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. The Editor cannot undertake to return rejected contributions, and copies should be kept of all articles sent by writers who are not on the regular staff of the JOURNAL.

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CURRENT TOPICS.

THE ATTENDANCE at the Weymouth meeting was smaller than usual, owing, of course, to its postponement to close on the commencement of the legal year. In other respects, however, the meeting was a success. Mr. ELLETT made an excellent chairman, and the discussions were practical and almost wholly free from talk of the "windbag" kind. There was no invitation received from any law society for next year's meeting—an event which, we believe, never happened before last year. We should think that the Wolverhampton solicitors will be likely to desire to do honour to the next year's chairman by asking the society to meet in their town.

MR. JUSTICE STIRLING's list on Thursday was considered to afford a significant indication of an impending change, consisting, as it did, of matters which could not go over till the morrow; and the fact that the learned judge directed an application to be made a week afterwards was seized upon as denoting that it might have to be heard before another judge. Late on Thursday evening we learned on good authority that these speculations were in accordance with fact, and that Mr. Justice STIRLING is the new Lord Justice. Every lawyer will rejoice to hear of the appointment, and will heartily wish the learned judge as much success in the Court of Appeal as he has attained in the High Court.

THERE HAS been a good deal of excitement (particularly among learned Queen's Counsel, who apprehended being left like sheep without a shepherd) about the question whether, on the promotion of STIRLING, J., another judge would be appointed to the Chancery Division. Under section 18 of the Judicature Act, 1876, it appears to be optional whether such appointment shall be made or not. The words are that, upon the event mentioned in the section (which has happened), "Her Majesty may, upon the like address [from both Houses of Parliament] fill up in like manner [i.e., by appointing another new judge of the High Court] another of the said vacancies, and from time to time fill up any vacancies occurring in the offices of judges so appointed." We learn, however, too late for comment, that a new judge of the Chancery Division has been appointed in the person of Mr. INGLE JOYCE.

THE APPEAL list for the present sittings contains 350 appeals, as against 295 at the commencement of the Trinity sittings, and 408 a year ago. The appeals from the Chancery Division continue to increase, there being 169 as compared with 146 a year ago, and 124 at the commencement of the Trinity sittings. Curiously enough, the appeals from the Queen's Bench Division number 131—exactly the same as at the commencement of the Trinity sittings. The Workmen's Compensation appeals are 20 in number, as against 8 at the commencement of the Trinity sittings.

THE CHANCERY cause list, owing to the appointment of the additional judge, shews a great diminution on the figures a year ago. Then there were 694 causes and matters; now there are

only 360. At the commencement of the Trinity sittings there were 300, and at the commencement of the Easter sittings 334. Mr. Justice WRIGHT has 59 company matters before him.

THE QUEEN'S Bench cause list contains a total of 772 causes, as against 848 a year ago. Of these 615 are actions for trial. There are 124 matters in the Divisional Court list, while a year ago there were 162.

THE ARRANGEMENTS made by the judges of the Chancery Division, having chambers, for the trial of witness actions during the ensuing sittings are as follows: Mr. Justice STIRLING [or rather his successor] will take his witness list for the fortnight, beginning on Tuesday, the 13th of November, and will sit continuously (Monday, the 19th of November, excepted) until Saturday, the 24th of November. He will hear urgent motions only on Friday, the 16th of November, and Friday, the 23rd of November. Mr. Justice KEKEWICH will take his witness list on days announced in the daily cause list. Mr. Justice BYRNE will take his witness list for the fortnight, beginning on Tuesday, the 13th of November, and sit continuously (Monday, the 19th of November, excepted) until Saturday, the 24th of November. He will hear urgent motions only on Friday, the 16th of November, and Friday, the 23rd of November. Mr. Justice COZENS-HARDY will take his witness list for the fortnight, beginning on Tuesday, the 30th of October, and sit continuously (Monday, the 5th of November, excepted) until Saturday, the 10th of November. He will hear urgent motions only on Friday, the 2nd of November, and Friday, the 9th of November.

THE PRESIDENT'S address at the Weymouth meeting of the Incorporated Law Society contained the usual review of the legislation of the past session, though Mr. ELLETT is naturally more impressed with the work which remains to be done than with that which has been accomplished. He very properly points out that the Land Charges Act, 1900, is marred by the loss, in its passage through Parliament, of the provision for the central registration of local improvement charges, and by the omission of provisions facilitating the searches for bankruptcies and receiving orders. The Companies Act, he observes, is in the nature of a compromise, and he questions whether the stringency of its provisions as to directors may not deter the best men from undertaking the position. The fear is probably groundless. Attention to the requirements of the Act will save directors from all liability, and an office which is by no means treated as honorary may fairly be expected to call for a reasonable amount of diligence. Mr. ELLETT points out that the effect of the Money-lenders Act is not to alter the right to relief against unconscionable transactions, but only to facilitate the enforcement of the right—a view which, as we shew elsewhere, is fully justified by the terms of the Act. "So generally," he says, "do applicants for relief appear to have obtained it, that I am inclined to think it must have been the expense of litigation—the weakness of the borrower and the strength of the lender—and the unwillingness to encounter publicity, rather than want of power in the courts, which has occasioned the call for legislation." In facility for obtaining relief the new Act will be found to have effected a change, but not otherwise. Mr. ELLETT points out that, since the Act applies only to persons "whose business is that of money-lending," it does not apply to a solicitor carrying on the business of a solicitor, although he may, in the course and for the purposes of that business, lend money. The reforms which Mr. ELLETT treats as still unaccomplished are the extension of the jurisdiction of the county courts and the improvement of their procedure, the reform of the circuit system, the establishment of a Court of Criminal Appeal, the undue detention of persons awaiting trial, the shortening of the Long Vacation, the simplification of the Rules of the Supreme Court, and the incidence of, and mode of charging, costs of litigation. The list contains matters which have been under frequent discussion for many years past, and it cannot be said that they come any nearer to a settlement. With reference to the county courts, Mr. ELLETT advises co-operation between the chambers of commerce and the law societies to obtain extension of jurisdiction, leaving

the question of procedure for separate treatment; and as to the Rules of the Supreme Court and costs, he sees little prospect of improvement until lawyers of both branches have a real, and not merely a nominal, influence upon them. There is a great deal of sound sense in the President's address.

SO FAR as the general public are concerned, the part of Mr. ELLETT's address which is of chief interest is that in which he deals with the recent failures of solicitors. The matter was thoroughly discussed in the summer, and, as we intimated at the time, the Incorporated Law Society have gone quite far enough—possibly too far—in the direction of undertaking to prosecute defaulting solicitors. Mr. ELLETT adopts the reasonable view that the misappropriation of money by a solicitor is a crime which should be dealt with by the ordinary agencies. "By some strange misconception," he says, "it has been supposed that the duty of detecting crime in the case of solicitors and of bringing the criminals to justice rests with the society. It clearly does not, any more than it rests with the benchers to prosecute criminals who are members of the bar, or with the Medical Council to prosecute criminal members of the medical profession." The latter instance is more analogous to the case of solicitors, for barristers are not by their position exposed to any temptations to commit breaches of the criminal law. "It is the duty of the State," continues Mr. ELLETT, "to provide for the prosecution of criminals from whatever class they are drawn, and it is not for us to suppose that that duty will be neglected." For the present, however, the society are committed to the policy of securing the prosecution of delinquent solicitors, whether by setting the Public Prosecutor in motion or independently of that official, but it may be hoped that the wisdom of this policy will not have to be put practically to the test. Meanwhile Mr. ELLETT finds comfort in the fact that, according to statistics, bankruptcy among solicitors is decreasing. The figures which he quotes shew, he says, "that the percentage of failures in the period 1890-1899 was less than half what it was in the period 1861-77, and that in the year 1899 it was lower still," and he anticipates that further improvement will result from the recent decision of the Council to refuse certificates to solicitors who are undischarged bankrupts. But while there is so much said with respect to the black sheep of the profession, it is satisfactory to note that Mr. ELLETT has a word to say upon the effect of the procedure before the Discipline Committee in protecting the profession as a whole. Charges which are groundless, or are made in ignorance or malice, are there checked at the outset without exposing the solicitor to the annoyance and injury of an application in open court, and this, as Mr. ELLETT says, is a protection to honest men which must not be relinquished. Let us hope that we have heard the last of the subject of "discipline" for a long time to come.

AN INDICTMENT for a libel of a very uncommon nature was found this week at the Central Criminal Court. The alleged libel was written concerning the sanitary inspectors of England, and especially those of London, holding them up as generally corrupt and frequently blackmailers. The defendant apologized and withdrew his charges, and accordingly, with the approval of the court, no evidence was offered for the prosecution. The peculiarity of the case lies in the fact that the alleged libel was on a class of persons, no individual being even remotely indicated. Under such circumstances no action for libel would lie, for there could be no plaintiff, as a plaintiff in an action for libel must shew that the defamatory words referred to him. It is well established that words which refer impartially to a class (even though it be a very small and well-defined class) are not actionable at the suit of any individual member of that class, unless he can shew that he was especially the object of the words, and that the words are capable in law of being so construed. In the words of WILLES, J., "If a man wrote that all lawyers were thieves, no particular lawyer could sue him, unless there is something to point to the particular individual": *Eastwood v. Holmes* (1 F. & F. 340). With regard to a criminal prosecution for libel, however, the law is different. A libel is considered a criminal offence by the English law because of its tendency to provoke a breach of the peace, and, according to the late Lord COLERIDGE, a criminal prosecution ought not to be insti-

tuted unless the offence be such as can be reasonably construed as calculated to disturb the peace of the community. It is laid down in Stephen's Digest of the Criminal Law that "every one commits the misdemeanor called libel who maliciously publishes defamatory matter of any person or body of persons, definite and small enough for its individual members to be recognized as such." Now, certainly the sanitary inspectors of England form a definite body of persons, quite small enough for its individual members to be recognized as such. It is quite clear, too, that gross defamation of such a class is most likely to provoke a breach of the peace, especially where there is no remedy by action. Hence the recent proceedings were well conceived, and a conviction upon the indictment could have been good at law. This is as it should be, for wholesale denunciations of a certain class of persons who follow an honourable calling, are most unjust and mischievous, and there should be some way of dealing with the offence. This case may perhaps serve as a warning to those persons who lately were guilty of wholesale charges of dishonesty against solicitors because of the notorious misdeeds of a few. According to the words of WILLES, J., no solicitor could successfully sue such a libeller, but he might be brought to account in another way if his position made him worth the advertisement of a prosecution.

THE MEMBERS of the Council of the Incorporated Law Society who were present at the meeting at Weymouth had to listen to a very plain-spoken exposition of their shortcomings by Mr. RUBINSTEIN. They were told that they had, to some extent, lost the confidence of a large number of solicitors; the main reason being "the excessive deference paid by the Council to the authorities." Mr. MELMOTH WALTERS was moved to considerable warmth by attacks which he considered wholly unwarrantable; but the president, with the assent of other members of the Council, intimated (as we understood) that he did not look upon Mr. RUBINSTEIN's paper in the light of an attack, but of an admonition. This is the sensible mode of dealing with the matter. Mistakes have, no doubt, been committed in the past, and the truth, we imagine, is that the Council, like most other governing bodies, contains a proportion of members who always incline to compromise, and perhaps one member, who has won the title of the "Apostle of Compromise," naturally from his position sways materially the decisions of the Council in their dealings with the authorities. On the last occasion, for instance, in which the Council approached the Government, on a suggested amendment to the Finance Bill, to be moved by the member referred to, after the Chancellor of the Exchequer had declined to consent to the amendment, according to the official report which was furnished to us, it was stated that the member referred to "would not move the amendment which stood in his name"; and no steps were apparently taken to find some other member to move the amendment, which, if properly explained to the House of Commons, might have met with considerable support. Then, again, the Council have been, we fear, a good deal handicapped in their dealings with the authorities by that annual Government allowance, which, if they make themselves disagreeable, may be summarily withdrawn. And, lastly, we think that in former years the Council have been too much in the habit of leaving to a single member (usually, no doubt, marked out for the post by ability and organizing power) the practically uncontrolled direction of a movement against an obnoxious measure; the result being that in one case where that member suddenly changed his mind and blessed the measure he was appointed to oppose, the Council were apparently reduced to a state of helplessness, and feebly withdrew from opposition to a scheme which they continued to denounce as injurious in the long run to the interests both of solicitors and landowners. We do not think, however, that such a blunder is likely to occur again; or that, after the admonitions they have received, the Council will fail in vigilance or prompt action. The question, after all, which solicitors have to consider is whether their interests will be served by turning out the leading members of the profession from the conduct of its affairs. While it must be admitted that some new blood might be advantageously introduced, nothing is to be gained by any revolution in the composition of the Council.

THE COMPANIES ACT, 1900, which comes into operation on the 1st of January next, is naturally becoming the subject of a good deal of discussion, to which we hope hereafter to contribute. A useful *résumé* of its practical bearing is contained in the paper on "The Formation of Limited Companies as affected by the Act of 1900," read by Mr. JAMES W. REID at the Incorporated Law Society's meeting. As he points out, the Committees of the House of Lords which sat on the draft Bill for three successive years never formulated any report, and the only statement of the deficiencies of the former company law is that contained in the Report of Lord DAVEY's Committee of 1895. The present Act, however, is not directly founded on that report, and it will puzzle the future inquirer to discover how it came to be passed. Possibly such an individual will leave the subject severely alone, and will be content with the practical effects of the Act which will by that time be apparent. It would be out of place here to follow Mr. REID through the details of his forecast as to what these effects are likely to be, but it is obvious that the requirements incidental to the starting of the company and to going to allotment are likely to cause much careful thought before a proposing vendor of a business can commit himself to the venture, or a solicitor can undertake work which in the result may be unproductive of any benefit to his clients. Among the matters to which Mr. REID calls attention in this connection is the fixing of the minimum subscription on which the directors will go to allotment. This must, if possible, be so determined as not by providing an insufficient amount to deter investors, or by making the sum needlessly large to hazard the loss of all the preliminary expenses; and in the event of the company failing to go to allotment, Mr. REID is naturally concerned for the payment of the costs. Of course, these may, as is usually the case, have been properly secured by previous agreement with the vendor or promoter. Under the new circumstances, however, it may be more difficult to obtain such a contract. Mr. REID asks for practical suggestions on the matter, but the case arises out of one of the most salutary provisions of the Act, and we doubt whether it will call for any alteration of practice. The Act tends to discourage the flotation of doubtful businesses, but where a vendor or promoter believes in his chance of a successful public issue, he will doubtless be ready to guarantee the legal expenses as he does now. A more debatable question arises upon the stamp duties payable on registration of the company. If the company, in consequence of the provisions of the Act, fail to go to allotment are these duties to be returned? The Act is naturally silent on the point, and we fear the Chancellor of the Exchequer will prove inexorable. Mr. REID's paper leaves little doubt that the new Act is going to present abundance of difficult problems.

THE BEARING of the Prescription Act, 1833, on rights to light is a subject of much practical importance, and Mr. E. K. BLYTH has done good service in calling attention to it in his paper on "Ancient Lights," read at the Weymouth meeting. "It is going very far," said Lord WENSLEYDALE in *Chasemore v. Richards* (7 H. L. C., p. 386), in a passage which Mr. BLYTH quotes, "to say that a man must be at the expense of putting up a screen to window light to prevent a title being gained by twenty years' enjoyment of light passing through a window." But, unless the owner of the window will sign an agreement as to its use, there is no other way by which this can be done so long as the adjoining owner wishes to keep his land unbuilt upon. Indeed, it has happened that the owner of the window has put the adjoining owner to the expense of erecting a screen before he would consent to subject his use of the window to a written agreement. And if in London, as Mr. BLYTH suggests, the county council are entitled to object to a screen as a dangerous building, even this possibility of resisting the acquisition of the right to light is gone, and under section 3 of the Prescription Act an absolute right is gained at the expiration of twenty years. It is singular that this result should follow in London, where, as well as in York, there was, prior to the Act, a local custom which prevented the acquisition of rights to light, and so left each man free to build upon his own land as and when he chose. And, as Mr. BLYTH points out, the justice of the rule embodied in this custom has commended itself outside this country. Scotland knows no acquisition of a

right to light by prescription, and in the United States the English doctrine has been considered and rejected. "It cannot," it was said in America in 1837, "be applied in the growing cities and villages of this country without working the most mischievous consequences," and it seems that several States have passed laws prohibitive of the acquisition of the right by prescription. The French Code approaches the matter in another way by forbidding the opening of a window within a specified distance of the adjoining ground. Mr. BLYTH refers to the professions of architects and surveyors as being united in opinion upon the injurious practical effect of the existing law, and it is not difficult to understand that it is prejudicial to the profitable development of land in large cities. The probability, however, of any alteration of the law such as Mr. BLYTH indicates, and of the establishment of the rule prevailing in Scotland and America, is very remote, and we may perhaps comfort ourselves with the reflection that every right of light insures an open space. Building owners may sometimes fail to reap the full advantage of a city site, but it is possible that the city as a whole is benefited by the existing law.

A POINT taken before the Cheshire Quarter Sessions last week in an appeal from licensing justices reveals, if it can be supported, a serious defect in the licensing laws. Section 1 of the Beerhouse Act, 1840, enacts with regard to towns having a population of over 10,000 inhabitants, and others, "that no licence to sell beer . . . shall be granted . . . in respect of any dwelling-house which shall not, with the premises occupied therewith, be rated in one sum to the rate for the relief of the poor . . . on a rent or annual value of fifteen pounds per annum at least," and provides that "every licence granted contrary hereto shall be null and void." The appeal in the case in question was from the decision of the Birkenhead justices, who refused to renew a licence in respect of a beerhouse within the borough on the ground that the house was not duly qualified. At the hearing of the appeal the justices took the point that there was, in fact, no licence to renew, and that the application ought to have been for a new licence. A licence in respect to the house was first granted in October, 1868. At that time the value of the house was stated in the rate book to be £14 10s. gross, and £13 rateable—that is to say, the house was not duly qualified in accordance with section 1 of the Act of 1840. Notwithstanding this defect in the licence, it had been renewed annually up to the present time, and the value of the house, as it appeared in the rate book, had in the meantime increased to the required amount. It was contended on behalf of the justices that as the original licence was void, the renewals were also void, notwithstanding the increase of value, because there could be no renewal of a licence which did not exist, nor could a renewal of a void licence be treated as the grant of a new one, because the procedure for obtaining a new licence was essentially different, a new licence requiring to be confirmed by the confirming authority. The chairman of the quarter sessions, probably having in view section 46 of the Licensing Act, 1872, which substitutes "annual value" for "rated at a rent or annual value," refused to accede to the argument of the respondents, observing that the justices who granted the original licence were probably of opinion that the amount stated in the rate book did not represent the real value of the house. That section could not, however, it is submitted, be construed as retrospective to the extent implied in the chairman's reasoning. The question is of importance to holders of licences which by inadvertence have been granted or renewed upon an insufficient qualification, and who, if no answer can be found to the point raised by the Birkenhead justices, have for years been unconsciously rendering themselves liable to penalties for selling intoxicating liquors under a void licence, from which by no length of time can they secure immunity.

THE COMPLAINTS of passengers against certain railway companies have been numerous of late, especially in the matter of unpunctuality. The law of the subject is mostly to be found in *Le Blanche v. London and North-Western Railway Co.* (1 C. P. D. 286), in which the Court of Appeal laid down, in 1876, that the then usual promise of a company in its time-bills to pay

every attention to ensure punctuality overrides the usual negative words declining responsibility for delay; but that, if the promise be broken, the company is not therefore liable for the costs of a special train taken by the passenger: see *Hodges on Railways* (7th ed.), vol. 1, at p. 613. The grievance of the public is, as might have been expected, a long standing one, and, so far back as 1857, a Select Committee of the House of Commons recommended that passengers should be enabled to recover summarily penalties for unpunctuality. But the Royal Commission of 1867 would have none of this remedy. Their view was that any such law would result in a diminution of the speed which the companies are now willing to give on the implied condition that the contingency of unpunctuality will be borne by the passenger. So far as occasional unpunctuality goes, this argument seems to be unanswerable unless the unpunctuality be excessive. But we cannot help thinking that habitual unpunctuality amounts to a denial of those reasonable facilities for receiving, forwarding, and delivering traffic which the companies are bound to provide under the Railway and Canal Traffic Act, 1854, as amended by the Railway Regulation Act, 1873, and the Railway and Canal Traffic Act, 1888. Unpunctuality of this kind is, beyond doubt, inconsistent with that "freedom and economy of traffic from one end of the kingdom to the other" which Parliament intended to be the result of the Act of 1854.

THE EFFECT OF THE MONEY-LENDERS ACT.

THE Money-lenders Act, 1900, comes into force on the 1st of next month. Until there has been a sufficient opportunity of testing it by experience, opinions will probably differ as to whether it will have any considerable practical effect, but it is to be remembered that it only re-establishes in a new form a jurisdiction which has for a very long time existed as a branch of equity, and which acquired special importance after the repeal of the usury laws. The usury laws were passed, said Lord HARDWICKE in *Earl of Chesterfield v. Janssen* (2 Ves. sen., p. 158), "not for want of power in [the Court of Chancery] to give relief in many of these contracts, but to make them void in law, to give the party a short remedy against them"; and it was natural, therefore, that when those laws were repealed recourse should be more frequently had to relief in equity. "It is an observation of some importance," said STUART, V.C., in *Barratt v. Hartley* (14 W. R. 684, L. R. 2 Eq. 795), "now that the usury laws are repealed, that one effect of such repeal was to bring into operation, to a greater extent than formerly, another branch of the jurisdiction of this court which existed long before them—I mean that principle of the court which prevented any oppressive bargain, or any advantage exacted from a man under grievous necessity and want of money, from prevailing against him. Whoever has attended to the subject must have seen that the moment the usury laws were repealed, and the lender of money became entitled to exact anything he pleased in the name of interest, from that moment that jurisdiction of the court which prevailed independently of the usury laws was likely to be called into active operation." It was possible, indeed, that the abolition of the laws against usury might have been held to strike at this jurisdiction also, but it was held in *Earl of Aylesford v. Morris* (21 W. R. 424, L. R. 8 Ch. 484) that it had no such effect. That abolition, said Lord SELBORNE, L.C., in the case just cited, still left the nature of the bargain capable of being a note of fraud in the estimation of the court.

And accordingly the recent reports contain not a few cases in which the jurisdiction to set aside money-lending transactions has been defined and exercised. There was at one time a disposition to confine it to the case where there had been a sale of, or a security upon, expectant interests in property, or at least where the loan was made to an expectant heir, so that there was the probability that family estates would pass into the money-lender's hands; but it is now settled that the jurisdiction is of a more extensive character. "The principle," said Lord HATHERLEY in *O'Rourke v. Bolingbroke* (L. R. 2 App. Cas., p. 823), "on which equity originally proceeded to set aside such transactions was for the protection of family property; but this principle being once established, the court extended its aid to all cases in which the parties to a contract have not met upon equal terms." And after observing that in

ordinary cases each party to a bargain was bound to take care of his own interest and no presumption arose of undue advantage on either side, he continued: "But in the case of the 'expectant heir,' or of persons under pressure without adequate protection, and in the case of dealings with uneducated, ignorant, persons, the burthen of shewing the fairness of the transaction is thrown on the person who seeks to obtain the benefit of the contract." In the earlier case of *Earl of Aylesford v. Morris* (*supra*) Lord SELBORNE referred, in the language of Lord HARDWICKE (*Earl of Chesterfield v. Janssen*, 2 Ves. sen., p. 157) to "weakness on one side, usury on the other, or extortion or advantage taken of that weakness," as circumstances or conditions raising a presumption of fraud; and "fraud," he said, "does not here mean deceit or circumvention; it means an unconscientious use of the power arising out of these circumstances and conditions; and when the relative position of the parties is such as *prima facie* to raise this presumption, the transaction cannot stand unless the person claiming the benefit of it is able to repel the presumption by contrary evidence, proving it to have been, in point of fact, fair, just, and reasonable."

In *O'Rourke v. Bolingbroke* (*supra*)—where, however, the House of Lords (Lord HATHERLEY diss.), upon the facts, upheld the transaction—there had been a sale of a reversion, and so also in *Fry v. Lane* (37 W. R. 135, 40 Ch. D. 312), where KAY, J., reviewed the jurisdiction and granted relief on the ground of the poverty and ignorance of the vendor, of his lack of independent advice, and of undervalue, though this last element is not since the Sales of Reversions Act, 1867, by itself sufficient; and upon similar grounds a stipulation for a bonus in a mortgage was set aside by the same judge in *James v. Kerr* (37 W. R. 279, 40 Ch. D. 449). And in *Earl of Aylesford v. Morris*, though no interest in property was actually charged, yet the borrower was entitled in remainder to large estates, and, as Lord SELBORNE pointed out, it was on the credit of these that the advances were made.

In *Nevill v. Snelling* (29 W. R. 375, 15 Ch. D. 679), however, DENMAN, J., had to deal with a case where the borrower had no actual interest in property, either in possession or in remainder, but only such general expectations as were founded on his father's position in life; and in the very careful and exhaustive judgment which he delivered that learned judge held that to such a case also the equitable doctrine was applicable. "The real question," he said, "in every case seems to me to be the same as that which arose in the case of expectant heirs and reversioners before the special doctrine in their favour was established—that is to say, whether the dealings have been fair, and whether undue advantage has been taken by the money-lender of the weakness or necessities of the person raising the money." Hence, where the transactions were begun while the borrower was a minor, and continued in the hope of extorting payment from his friends by threats of bankruptcy, they were treated as unconscionable, and the bills which had been given were ordered to stand as security only for the moneys actually advanced with 5 per cent. interest.

The Money-lenders Act, 1900, does not materially alter the principles upon which relief can be given in money-lending cases, though it will be found to render that relief more accessible and more complete. For a court to interfere at all, two conditions must be satisfied: first, there must be evidence to satisfy the court that the interest charged is excessive, or that the charges for inquiries, fines, renewals, &c., are excessive; and secondly, "that, in either case, the transaction is harsh and unconscionable, or is otherwise such that a court of equity would give relief." If these conditions are satisfied, then in proceedings taken in any court by the money-lender, the transaction, including any settled accounts, may be re-opened; the borrower may be relieved "from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest, and charges as the court, having regard to the risk and all the circumstances, may adjudge to be reasonable"; and if upon the entire accounts the balance is in favour of the borrower, repayment may be ordered against the money-lender.

The position of the word "otherwise" in the passage quoted above shews clearly enough that the foundation of relief under the Act is that the right to relief should already exist in equity. The transaction must be "harsh and unconscionable," but these

words are only used as descriptive of the equitable right of relief. The words "or otherwise such that a court of equity would give relief" indicate that the phrase "harsh and unconscionable" was thought by the Legislature to denote generally the cases in which equity would interfere. The words, indeed, embody the idea underlying the judgment of Lord SELBORNE in *Earl of Aylesford v. Morris* (*supra*). There must be inequality in the circumstances of borrower and lender, and, in the language already quoted, "an unconscientious use of the power arising out of those circumstances." It would be a mistake, therefore, to suppose that under the new Act a judge will be left only to the guidance of his own discretion in granting or refusing relief. The chief question will be whether the case is one in which, upon the authorities, a court of equity would interfere. The Act gives no hint, indeed, as to when interest is to be regarded as excessive, but this is a minor matter. If the transaction is one against which equity would relieve, the rate of interest will not cause much difficulty, while if there is no right to equitable relief, the opinion of the court as to the rate of interest is not material. An essential preliminary, therefore, to the correct working of the Act will be a clear understanding of the rules as to equitable relief in money-lending cases, and the short sketch of the subject attempted above will indicate the lines which inquiry should follow.

But while the Act does not extend the right to relief, it can hardly be doubted that, when once the right has been found to exist, very largely increased facilities are afforded for making it available. The borrower is not bound to institute proceedings on his own account or to proceed by way of counter claim in proceedings by the money-lender; nor is any question left open as to the power of any court in the particular proceedings to grant relief. Where proceedings are taken in any court by a money-lender for the recovery of money lent after the commencement of the Act, or for the enforcement of a security taken after the Act in respect of money lent either before or after the Act, then the right to relief may be asserted, with the consequences as to re-opening settled accounts already stated. This result follows under section 1, sub-section 1, and by sub-section (2) the right of initiating proceedings for relief in any court in which the money-lender might sue is bestowed on the borrower or a surety. But the provisions of the section are not to affect the rights of any *bond fide* assignee or holder for value without notice (sub-section (5)).

The remainder of the Act is based on the maxim that prevention is better than cure. Money-lenders are required to register themselves at an office to be provided by the Inland Revenue Commissioners under their own usual or trade names and with the address or addresses at which they carry on business, and they are restricted to the registered name and addresses (section 2). Registration must be renewed every three years (section 3 (2)), and penalties are imposed for misleading or deceptive statements or promises, and for dishonest concealment of material facts, whereby persons are fraudulently induced to borrow money or to agree to terms of borrowing. The expression "money-lender" is defined to mean "every person whose business is that of money-lending," but various classes of persons and corporations are specifically excepted—namely, pawnbrokers, building and other kindred societies, money-lending corporations established under special Acts, and bankers and insurance offices. And the Board of Trade is also empowered to grant special exemption to any body corporate. It may be presumed that this power is intended to be exercised in favour of finance companies whose operations, though consisting in lending money, are designed for the assistance and development of trade, and are quite removed from the transactions at which the Act was meant to strike.

A story is told, says the *Albany Law Journal*, of a judge who lately had the hypnotic plea raised before him by a barglar. The prisoner claimed that he did not know that he was "burgling"; that he did it automatically and unconsciously, under the direction of a hypnotist. The judge said he would give him the full benefit of the law, and also of his hypnotic misfortune. He, therefore, sentenced the man to five years' penal servitude, but told him he could, if he chose, send for the hypnotist and have himself made unconscious for the entire term of his imprisonment. "The same power," said the judge, "which enabled you to commit burglary and not know it ought also to enable you to suffer imprisonment with hard labour and not be aware of it. At any rate, this is the best I can do for you."

A READING OF THE NEW STATUTES.

THE COUNTY COURTS (INVESTMENT) ACT, 1900 (63 & 64 VICT. C. 47).

THIS Act extends the provisions of section 71 of the County Courts Act, 1888, with respect to the investment in the name of the registrar in the Post Office Savings Bank of moneys paid into court in equity matters, to all cases where money is paid into court in a proceeding and is ordered to be invested for the benefit of an infant or person of unsound mind. But the Act is not to affect the provisions of the Workmen's Compensation Act, 1897, with regard to money agreed or ordered to be invested under that Act in the name of the registrar (see Schedule I., clauses (7)–(10)).

THE COMPANIES ACT, 1900 (63 & 64 VICT. C. 48).

We propose shortly to devote a series of articles to the consideration of this Act, which comes into operation on the 1st of January next.

THE AGRICULTURAL HOLDINGS ACT, 1900 (63 & 64 VICT. C. 50).

The principal change in the Agricultural Holdings Act, 1883, which is effected by the Act of 1900 relates to the procedure upon arbitrations. A few changes are made in the schedule of improvements for which compensation can be obtained, and in the mode in which compensation is to be calculated, and there is a section abolishing, with certain exceptions, penal rents.

Section 1 of the Act of 1883 gave a tenant, on quitting his holding at the determination of his tenancy, compensation, subject to the provisions of the Act, for any of the scheduled improvements, the compensation to be such sum as fairly represented the value of the holding to an incoming tenant. But any enhancement of value "due to inherent capabilities of the soil" was not to be credited to the tenant. This section is repealed, but is re-enacted as section 1 of the present Act, with only so much variation as is necessary to make the right to compensation subject to the provisions of the Act of 1900 as well as to those of the Act of 1883.

The schedule of improvements to the Act of 1883 was divided, as is well known, into three parts, according as the right to compensation depended (1) on the consent of the landlord having been obtained previously to the making of the improvement; (2) on previous notice only to the landlord; or (3) was free from the requirement of either consent or notice. Cases (1) and (2) were regulated by sections 3 and 4. Section 6 specified matters which were to be taken into account in reduction or in enhancement of the amount of compensation. The compensation was to be reduced (a) by any benefit allowed by the landlord in consideration of the tenant executing the improvement; (b) by the equivalent in manure of hay, straw, roots, and green crops removed within the last two years of the tenancy; and (c) by sums due to the landlord in respect of rent, waste, breach of covenant, and rates and taxes; and the amount was to be increased by any sum due to the tenant in respect of breach of covenant on the part of the landlord.

Sections 3 and 4 of the Act of 1883, and the threefold division of the schedule of improvements are not touched, and it is not necessary here to give the details of the changes which have been made in the schedule. Part I., it may be observed, now includes the protecting of young fruit trees; Part II. is still restricted to the solitary item of drainage; and Part III. has been enlarged by the addition of the laying down of temporary pasture, provided this is done more than two years prior to the determination of the tenancy. Section 6, however, of the Act of 1883 is repealed, and the provisions with respect to the deduction from, or addition to, compensation have been reproduced with modifications. Under section 1, in ascertaining the amount of the compensation, account is to be taken of any benefit which the landlord has allowed to the tenant in consideration of executing the improvement (sub-section (3)); and sub-section (4) restricts the deduction in respect of crops sold off to cases where compensation is claimed in respect of manure, and also where by the contract of tenancy or custom manure should have been returned to the holding. But where a claim is made on either side in respect of breach of contract, it cannot be dealt with in the arbitration unless the claimant gives written notice to that effect (section 2 (3)). The notice must be sent to the other party not later than seven days after the appointment of the arbitrator; it must state that the arbitration shall extend to the further claim, and thereupon the claim will be included in the reference.

Section 57 of the Act of 1883 was apparently designed to make the right to compensation under the Act a bar to any other right to compensation whether arising under custom or otherwise, but this effect was repudiated in *Re Pearson and Fanson* (48 W. R. 154), and the section was held to apply only where a tenant was actually claiming compensation under the Act. The question is now set at rest by the repeal of section 57, and an express provision is inserted in section 1 of the present Act that nothing in the section shall prejudice the right of a tenant to claim any compensation to which he may be entitled by custom, agreement, or otherwise, in lieu of any compensation provided by the section.

Under the Act of 1883 a tenant was bound to make his written claim to compensation two months at least before the determination of his tenancy. This provision, as well as the whole of the sections of the Act of 1883 regulating the procedure in an arbitration, are repealed, and a new procedure is established by section 2 and the second schedule. A claim for compensation under the Acts may not be made after the determination of the tenancy, and when made it will, in common with other claims under custom, agreement, or otherwise, in respect of the scheduled improvements, be referred, in default of agreement, to arbitration. The terms of the arbitration may be settled by agreement between the parties—either, it would seem, in the agreement of tenancy or subsequently, the words being "any agreement between landlord and tenant"; and if there is no agreement, the arbitration will be in accordance with the provisions in the second schedule. These provisions relate in Part I. of the Schedule to arbitration before a single arbitrator, and in Part II. to arbitration before two arbitrators or an umpire; but it is provided that an arbitration shall, unless the parties otherwise agree, be before a single arbitrator. Upon failure to agree on a single arbitrator, or upon an umpire, the appointment rests with the Board of Agriculture. A special case for the opinion of the county court may be stated in the arbitration, and there may be an appeal to the Court of Appeal, but not beyond. The costs, subject to taxation in the county court, will be in the discretion of the arbitrator.

By section 3 the power of the county court under the Act of 1883 in certain cases to charge the compensation on the holding is transferred to the Board of Agriculture, and is extended to cases of compensation for the scheduled improvements claimed under custom or agreement. Such charges are to be land charges under the Land Charges Act, 1888, and are to be registered accordingly.

The procedure of the present Act will apply to all future claims, but compensation in respect of improvements made before the commencement of the Act will be the same as if the Act had not passed (section 7).

As already stated the Act abolishes (save in certain excepted cases) penal rents, and the amount recoverable under the provision in the contract of tenancy imposing such a rent is not to exceed the actual damage suffered by the breach of condition which attracts the rent. The excepted cases are covenants against breaking up permanent pasture, grubbing underwoods, or felling, cutting, lopping, or injuring trees, or covenants regulating the burning of heather.

The Act comes into operation on the 1st of January, 1901.

THE MONEY-LENDERS ACT, 1900 (63 & 64 VICT. C. 51).

We deal with this Act on another page.

REVIEWS.

BOOKS RECEIVED.

The Annual Practice, 1901: being a Collection of the Statutes, Orders, and Rules relating to the General Practice, Procedure, and Jurisdiction of the Supreme Court, with Notes, Forms, &c. By THOMAS SNOW, M.A., Barrister-at-Law, CHARLES BURNBY, B.A., a Master of the Supreme Court, and FRANCIS A. STRINGER, of the Central Office, Royal Courts of Justice. In Two Volumes. Sweet & Maxwell (Limited); Stevens & Sons (Limited).

The Yearly Supreme Court Practice, 1901: being the Judicature Acts and Rules, 1873 to 1900, and other Statutes and Orders relating to the Practice of the Supreme Court, with the Appellate Practice of the House of Lords; with Practical Notes. By M. MUIR MACKENZIE, B.A., a Benchet of the Middle Temple, S. G. LUSHINGTON, M.A., B.C.L., Barrister-at-Law, and JOHN CHARLES FOX, a Master of the Supreme Court; assisted by C. G. S. MOALESTER, B.A. and ARCHIBALD READ, B.A., LINDSEY SMITH, and WILLIAM MUIR MACKENZIE, Barristers-at-Law. In One Volume. Butterworth & Co.

A Digest of the Law of Partnership, with an Appendix of Forms. By SIR FREDERICK POLLOCK, Bart., Barrister-at-Law, M.A., LL.D. Seventh Edition. Stevens & Sons (Limited). Price 10s.

A Treatise on the Subject of Collisions between Warships and Merchant Vessels, according to English Law, as an Humble Contribution towards Unification of the Laws on the Subject among the Maritime Nations of the World. By Dr. N. MATSUMI, Professor of Maritime Law. William Clowes & Sons (Limited).

International Law in South Africa. By T. BATY, Barrister-at-Law. Stevens & Haynes.

A Digest of Cases relating to the Construction of Buildings, the Liability and Rights of Architects, Surveyors, and Builders in Relation Thereto. With Notes, and an Appendix containing Forms of Pleadings, Building Agreements, and Leases and Conditions of Contracts, and Reports of Cases. By EDWARD STANLEY ROSCOE, Barrister-at-Law. Fourth Edition. William Clowes & Sons (Limited).

Digest XLI. 1 De Adquirendo Rerum Dominio. Edited, with Translation and Notes, by C. H. MONRO, M.A., Fellow and late Lecturer of Gonville and Caius College, Cambridge. Cambridge: At the University Press.

The Near Future of Law Reform. By THOMAS SNOW, M.A., of the Inner Temple, Barrister-at-Law. (1) The Master Machine; (2) The High Court and County Courts; (3) The Appellate Jurisdiction. Stevens & Sons (Limited).

The Law Quarterly Review, October, 1900. Edited by Sir FREDERICK POLLOCK, Bart., M.A., LL.D. Stevens & Sons (Limited).

The Workmen's Compensation Acts, 1897 and 1900. By ALBERT PARSONS, Barrister-at-Law, and ANTON BERTRAM, Barrister-at-Law. William Clowes & Sons (Limited).

Proposed Legislation as to "Child Messengers." By ARCHIBALD F. SMITH, Barrister-at-Law. Reeves & Turner.

NEW ORDERS, &c.

LONDON GOVERNMENT.

APPOINTED DAY.

Whereas by section thirty-three of "The London Government Act, 1899" (hereinafter referred to as the Act), it is enacted that for the purposes of the Act the appointed day shall be the day on which the members of the borough councils first elected under the Act come into office, or such other day, not being more than six months earlier or later, as the Lord President of the Council may appoint, either generally, or with reference to any particular provision of the Act, and different days may be appointed for different purposes and different provisions of the Act, whether contained in the same section or in different sections, or for different boroughs.

Now, therefore, I, the Lord President of the Council, pursuant to the Act, and every other power enabling me in that behalf, do hereby appoint the following days as the appointed days for the following purposes and provisions of the Act:

For the purpose of sub-sections 1 and 2 of section 10 of the Act, and of the repeal of such of the enactments specified in the third schedule of the Act as relate to rating, the appointed day shall be the first day of April, one thousand nine hundred and one.

For the purpose of the transfer to the councils of the metropolitan boroughs of Chelsea, Paddington, and Kensington, of the powers, duties, property, and liabilities of the Commissioners of Public Libraries and Museums for the parish of St. Luke, Chelsea, and the abolition of those commissioners, the appointed day shall be the first day of April, one thousand nine hundred and one, or such later date as I may hereafter appoint.

For the purpose of any election under the Act, or in pursuance of any scheme made under the Act, and of all proceedings preliminary to any such election, the appointed day shall be such day before the day on which the election is held as may be necessary.

For all other purposes and provisions of the Act, unless some other day is subsequently appointed by me as the appointed day for any particular purpose or provision the appointed day shall be the day on which the first borough councillors elected under the Act come into office.

Dated this eighteenth day of October, one thousand nine hundred.

DEVONSHIRE, Lord President of the Council.

DATE FOR ELECTION OF MAYORS AND ALDERMEN.

Whereas by section three of "The London Government Act, 1899" (hereinafter referred to as the Act), it is enacted that the first elections of borough councillors under the Act shall be held on the first day of November, one thousand nine hundred, or on such later day as soon as practicable thereafter, as may be fixed by the Lord President of the Council, who shall also fix a corresponding date for the first elections of mayor and aldermen.

And whereas by the Metropolitan Boroughs (First Election and First Meeting) Order in Council, 1900, it is provided that the first meeting of the council of each metropolitan borough shall be held on the day fixed by the Lord President of the Council for the first elections of mayor and aldermen under the Act.

And whereas a day later than the first day of November, one thousand nine hundred, has not been fixed as the date for the first elections of borough councillors under the Act.

Now, therefore, I, the Lord President of the Council, pursuant to the said Act and Order, and every other power enabling me in that behalf, hereby fix as the date for the first elections of mayor and aldermen the ninth day of November, one thousand nine hundred.

Dated this eighteenth day of October, one thousand nine hundred.

DEVONSHIRE, Lord President of the Council.

In consequence of the absence of Lord Justice Romer, the Lord Chief Justice will sit in the Court of Appeal for a time.

At the Norfolk Quarter Sessions, on Saturday, a resolution was unanimously passed that Lord Lindley should be invited to accept the position of third chairman of the court.

LAW SOCIETIES.

INCORPORATED LAW SOCIETY.

ANNUAL PROVINCIAL MEETING.

The annual provincial meeting of the Incorporated Law Society has been held during this week at Weymouth, Mr. ROBERT ELLIOTT (Cirencester), the president, and the following members of the Council taking part in the proceedings: Mr. J. Hunter, Mr. T. Marshall (Leeds) Mr. H. Manisty, Mr. J. Wreford Budd, Mr. E. W. Knocker, C.B., Mr. W. Melmoth Walters, Mr. E. K. Blyth, Mr. Grinham Keen, Mr. Gribble, and Mr. S. H. King.

RECEPTION BY THE MAYOR AND MAYORESS.

On Monday evening Mr. and Mrs. BENJAMIN MORRIS (Mayor and Mayoress of Weymouth) invited the president, Council, and members of the society, and the president and members of the Dorset Law Society, and ladies accompanying them, to a reception at the Sidney Hall. About 200 ladies and gentlemen were present.

TUESDAY'S PROCEEDINGS.

The members met in the Sidney Hall on Tuesday morning.

The MAYOR tendered to the visitors a hearty welcome to the town.

The PRESIDENT returning thanks, expressing the obligation of the members to the Mayor and Mayoress with regard to the reception of the previous evening.

PRESIDENT'S ADDRESS.

The PRESIDENT then delivered his opening address as follows:

Various circumstances tend to give this—the twenty-seventh—provincial meeting of the Incorporated Law Society peculiar interest. We have often met in the great centres of industry, where to a considerable extent the beauties of nature have to give place to the claims of utility. This year we visit, through the kindness of the Dorset Law Society, their beautiful county, which was truly described by an old traveller as "both for rider and for abider one of the fairest counties in England," and to-day we are privileged to meet at one of the fairest spots in that fair county, the town of Weymouth, whose charming bay justly emulates that of Naples itself. We meet on the eve of a new Parliament, and within a few weeks of a new century. We meet at the close of a war, which, commencing with an attack upon the Queen's dominions, has resulted in "lengthening the cords and strengthening the stakes" of the Empire. We meet at a time when changes consequent upon the decay of an ancient civilization in a county in which we have vast and important interests, cannot fail to fill us with anxiety, and stir us to vigilance. And the time is one in which, within the limited sphere of our own society, we are not without special causes for vigilance and anxiety. These circumstances combine to give to this meeting special interest, and to attach to it special responsibility. I cannot but wish that it had fallen to the lot of some member of our Council better able than I am to help the meeting to rise to the level of the occasion; but the progress of time, which makes seniors of us all in turn, and the generous confidence of my fellow-members, having called me to the honourable position of your President, it becomes my duty to undertake the task. I confidently rely at this moment, as I shall do throughout my year of office, upon your co-operation and upon that kind forbearance of which I feel myself so much in need. In one respect the society is much to be congratulated. We have a tower of strength in the vice-president. The eminent position to which Sir Henry Fowler has attained as a statesman, and the universal esteem in which he is held alike for his distinguished abilities and his high character, reflect honour upon the profession of which we are fellow-members. The name of Sir Henry Fowler will always be gratefully remembered in the profession as the first solicitor to attain Cabinet rank, and that amongst the most honoured advisers of England's noblest Queen. I do not propose to occupy your time with any retrospect of the administration of the law in the nineteenth century. That theme tempting and full of interest as it is, has been dealt with by far abler pens than mine; and, moreover, I am sure you will prefer that our attention should be directed to the work of the day rather than to a retrospect of the past. I will content myself with one short reference to the state of things which existed at a period well on in the century. Mr. Lecky has thus described it: "Few, if any, departments of English legislation and administration were till near the middle of the century so scandalously bad as those connected with the administration of the civil and the criminal law. The whole field was covered with a network of obscure, intricate, archaic technicalities; useless except for the purpose of piling up costs, procrastinating decisions, placing the simplest legal processes wholly beyond the competence of any but trained experts, giving endless facilities for fraud and for the evasion or defeat of justice, turning a law case into a game in which chance and skill had often vastly greater influence than substantial merits." When we contrast this with the conditions under which the law is now administered—far removed as they still are from what they should be—it is impossible not to be grateful for the improvement which has taken place, and equally impossible not to remember with satisfaction that in the steps which have brought about these changed conditions the Incorporated Law Society has taken an active part. May the coming century witness on our part, and that of our successors, more zeal in the work of bringing the law and its administration into harmony with the highest ideals of truth and justice, and of raising the character and attainments of those who practise the law to the same high standard. The legislation of the past session does not include many statutes calling for comment here, and the few observations I shall make under this head relate to Acts in the promotion of which the society has taken part, or to points of special interest to us in practice.

After referring to the Colonial Solicitors Act 1900, Mr. Ellett proceeded to

THE FINANCE ACT 1900.

By this Act the Legislature has stopped in the interest of the Exchequer a loop-hole of escape from estate duty which the case of *Attorney-General v. De Preville* (1900, 1 Q. B. D. 223) had disclosed. It is now made quite clear (section 11) that the liability to duty on the death of a tenant for life cannot be avoided by a surrender or other disposition of the life interest in favour of the reversioner unless the surrender or disposition is made twelve months before the death, and *bona fide* possession and enjoyment of the property is assured and retained thereunder to the entire exclusion of the tenant for life. If the tenant for life should die within twelve months, duty will be payable, even though the surrender may have been for value. It seems probable that the existence of this possible liability to duty will occasion difficulty in sales by tenant for life and remainderman, and also in the common case of the sale of an estate—or part of an estate—which is subject to jointure where the jointress concurs. It has been suggested, and I think rightly, that until this question has been judicially decided the only safe course for a purchaser is to require an indemnity. After referring to other provisions of the Act, Mr. Ellett turned to

THE LAND CHARGES ACT, 1900.

Under this Act, and an order made by the Lord Chancellor in pursuance of it, the business of the Registrar of Judgments in the Central Office is transferred to the Land Registry as from the 1st of September last. The Act gives fuller effect to the policy of the Land Charges Registration and Searches Act, 1888 (a measure which was promoted by this society), by extending, as from the 1st of July, 1901, the requirement of registration at the Land Registry to writs and orders affecting land issued or made for the purpose of enforcing a judgment, whether obtained on behalf of the Crown or otherwise, and to every delivery in execution or other proceeding taken in pursuance of any such writ or order or in obedience thereto, so that all such writs and orders will be void as against purchasers for value until registration. It is to be regretted that a clause which the Bill as introduced in the last session contained, providing for the registration in the same office of contracts entered into with corporations in relation to land, was struck out in committee. Provision is made by various Town Improvement Acts for the local registration of such documents. The additional trouble of registration at the Land Registry would be but small, whilst the great convenience of one central place of search is obvious. It is also to be regretted that more adequate facilities are not afforded for making searches for bankruptcies and receiving orders, and when we consider how possible it is for a *bona fide* purchaser for value to be deprived of the benefit of his purchase by the overriding title of a trustee in bankruptcy, it is surprising that so simple and necessary a change should be so long delayed.

Mr. Ellett then referred to the Companies Act, 1900, the Money-lenders Act, 1900, and the Colonial Stock Act, 1900; and then discussed the subject of

COUNTY COURTS.

The hope expressed by my predecessor, Mr. Manisty, in his address at Dover, that the next session would witness legislation for the increase of the jurisdiction of the county courts and improving their procedure has not been realized. Mr. Monk's Bill was re-introduced in a modified form, but was dropped without having obtained a second reading. The principal object of the Bill was to extend the ordinary jurisdiction of county courts to £500, subject to a power in the High Court to transfer to that court any action in which the plaintiff claims more than £100, on the defendant satisfying the High Court, or a judge thereof, that for any good reason it is expedient that such action should not be proceeded with in the county court. The other material proposals of the Bill were to extend the Admiralty jurisdiction of the county courts in relation to certain claims from £300 to £500; to give jurisdiction up to that amount in all personal actions (including therefore actions for slander, libel, seduction and breach of promise of marriage) removable to the High Court where more than £100 is claimed, and to enable a registrar, with the consent of the judge, to try actions up to £10. It is unfortunate that the various bodies interested in county court reform have not hitherto been working in concert, a circumstance of which the opponents of all change have not failed to avail themselves. Mr. Monk's Bill represents the proposals of the Associated Chambers of Commerce; and it is to be noted that, whilst in 1899 they proposed to extend the ordinary jurisdiction to £1,000, they now substitute £500, subject to removal in proper cases over £100. This society has, at different times, recommended substantial increase of jurisdiction. An objection usually made to any material increase in the jurisdiction of the county courts is that those Courts were created for the collection of small debts and should so remain. We agree that they should continue to serve this useful purpose, and that in relation thereto the procedure must be absolutely simple and inexpensive. But this argument ignores the fact that Parliament has long since—with the full concurrence of the commercial world—recognized the county courts as much more than small debt courts by conferring upon them large, and, in some cases, unlimited jurisdiction. It is scarcely credible, therefore, that any serious opposition can be long maintained to a substantial increase of jurisdiction if the chambers of commerce and the law societies combine in putting forward moderate and well-considered proposals. The question at the present moment really resolves itself, I think, into one of policy, whether our efforts should be directed in the first instance to increasing the jurisdiction, or whether an attempt should be made to obtain by one comprehensive measure the desired increase in jurisdiction and the necessary improvements in procedure. This latter branch of the subject is complicated by the

circumstance that there is at present no well-defined distinction between the matters of procedure which rest upon statute, and those which can be dealt with by rule. There is, as you are aware, a standing committee of the society on county courts, which has made a report embodying a number of suggestions for improvement of the county court procedure. This report has been adopted by the Council and submitted to the authorities, but so far without effect; and, unfortunately, the society has no representative on the County Court Rule Committee through whom it can urge its recommendations. It is, I think, clear, that to attempt by one Bill to increase the jurisdiction and obtain those amendments of procedure which require legislation would be to give additional facilities for effective opposition and thus risk defeat, unless the Government could be induced to take it up and pass a complete measure. That is what is really needed, but, failing that, I cannot help thinking that the best course would be, in the first instance, to promote in co-operation with the Associated Chambers of Commerce a Bill for increase of jurisdiction only. At the last provincial meeting a resolution was passed in favour of an increase to £100. The difference between that proposal and Mr. Monk's Bill of last session is not so great as to suggest any serious difficulty in coming to an arrangement for united action.

THE PREVENTION OF CORRUPTION BILL.

This Bill was re-introduced in the House of Lords last session, substantially in the same shape as in 1899. With some amendments it passed the third reading and was sent to the Commons. The Bill was not proceeded with in the Commons, and I should not have thought it necessary to refer to it now had it not been that public attention has recently been directed to it in connection with the question of insurance commissions. The Bill is not one with which solicitors are specially concerned. It was not introduced with any special reference to the profession, as will be seen by looking at the memorandum accompanying it. But the society has recognized that there are serious evils in relation to secret commissions which ought to be prevented, and at the Dover meeting last year a resolution was passed cordially approving the principle of the Bill and expressing the hope that it might soon become law with such amendments as might be necessary to avoid interference with legitimate transactions. That resolution expresses too, I think, the general sense of public opinion, and if any difficulty should arise in passing the Bill, it will be owing to the manner in which it is drawn and not to objection to its principle. The objections to its drafting were clearly stated by Mr. Manisty in his address at Dover, and by Mr. Reid in a paper read at that meeting, and I need not repeat them. But let there be no mistake as to our attitude on the main question. We cordially approve the object of the Bill, which is clearly enough stated in the prefatory memorandum to be that of checking secret and dishonest payments by making them criminal. It has been suggested that insurance commissions paid to solicitors are payments of this class. Of course it is quite possible that under certain circumstances they may be so, but I am confident that cases so circumstanced, if they exist, are exceptional. If they exist, it is remarkable that not one of them has been brought under the disciplinary jurisdiction of the courts, for the receipt of commission by a solicitor secretly and dishonestly to the prejudice of his client would of course be grave misconduct. But that is a very different thing to the ordinary practice of solicitors in regard to insurance. The true test to apply to each case is that of secrecy. I have never seen the point better put than it is in a *Times* leader which appears in the appendix to the report of the London Chamber of Commerce on which the Bill is founded. The writer of the article says: "The taking or giving of a commission as such is not in itself an illicit transaction. In many cases it is a recognized legitimate and convenient agency of business, and perhaps in some cases it is indispensable. It becomes illegitimate only when it is really secret—that is, when it is an essential feature of the transaction that one of the parties to the bargain or contract effected by it should be kept in ignorance of it." Now by way of illustration let us apply this test to one class of case common enough amongst us. A solicitor acts as agent for a fire insurance office. In the course of his business as a solicitor he acts for landowners and for mortgagees. The former has buildings to insure, the latter is interested in seeing that the buildings on the mortgaged property are insured. Neither landowners nor mortgagees would think of employing the solicitor to see to this being done if they had to pay him for it, but they are perfectly content to leave him to see that the insurance is effected and kept up. Most clients know very well that the solicitor takes a commission from the office for his trouble. All must be supposed to know it. No reasonable person would expect him to work for nothing. The incidental advantages to the client are considerable—the instructions on which the policies are based will be properly prepared—there will be no risk of the lapse of a policy for non-payment of the renewal premium—and repayment may be and often is deferred for months or even years. Why should a practice so convenient to the public and so free from all taint of secrecy or dishonesty be interfered with? The same question may be asked as regards agencies for life offices which are equally common. The objection has been taken that the commission is sometimes in excess of the usual scale of professional remuneration for the work done. As regards fire insurance, where the commission is often a few shillings only—or even pence—this is as a rule the very reverse of the fact. It is equally so as regards a great deal of life assurance business. On the heavier life assurances it may be otherwise, but there is nothing necessarily wrong in that. The payment of solicitors by way of commission on the footing of receiving on large transactions more than the item charges would come to, in order to make up for the small cases in which the charges would be more than the commission, has been sanctioned by the Legislature and is to the public advantage. The practice of solicitors in acting as agents for insurance offices (and of course it is only on the footing of agency that

commission is properly paid at all) is an old-established practice and is notorious. It is followed by solicitors of the highest standing. There is nothing dishonourable in the practice. It affords local facilities of which the public, both those who employ the agent in his capacity of a solicitor and those who do not, are glad to avail themselves. The practice is not only well established and notorious, but it is fostered by those who are quite incapable of sanctioning anything wrong. Amongst the trustees and directors of insurance offices which pay commission to solicitors and others introducing business will be found peers, judges, members of Parliament and distinguished members of the bar. Surely it is not to be supposed that a practice so sanctioned is illegal or in any way open to objection. The practice has, moreover, the express recognition of the Legislature, for by the Companies Act, 1870, a form of return to be made by insurance companies to the Board of Trade is prescribed which contains a column for stating the amount paid for commission. I am almost ashamed to have occupied so much of your time with this subject, but it has seemed to me necessary to do so in consequence of the letter from Sir Edward Fry which recently appeared in the *Times*. That letter has been read by us with the respectful attention due to the writer both personally and by reason of the high judicial office which he held and adorned, but also, I venture to say, with some surprise and regret. In Sir Edward Fry's letter, and in much of the correspondence which has taken place on the subject, it is to be noticed that the real nature of the objections which have been made to the form of the Bill is overlooked. No one that I am aware of desires—certainly this society does not desire—to make any payment or receipt of commission legal which is not so now; but objection is taken, and I think properly taken, to creating a new criminal liability in terms which ignore a cardinal principle of the criminal law. It is no doubt true that it is impossible to define all corrupt transactions in an Act of Parliament, but that is no reason for declaring, as the Bill does, that transactions which *prima facie* are not corrupt shall be deemed to be so unless the contrary is proved. Under the Public Bodies Corrupt Practices Act, 1899, it is of the essence of the offence that the transaction should be corrupt, and it should be made so in this Bill. There may be no difficulty in the case of some life insurances for large amounts about preserving evidence of knowledge and assent by the person effecting the insurance; but it is otherwise as regards the great multitude of cases, especially of fire insurances, and it seems to me monstrous that a solicitor, acting honestly, in accordance with well-understood practices such as I have referred to, should be exposed to being blackmailed years afterwards by threats of a criminal prosecution. It is the more unreasonable to frame the Bill in such a way as to make this possible now that the protection of consent to a prosecution by a judge or the Attorney-General is struck out, and it is remarkable that it should have been thought reasonable to insert a clause to that effect when the Bill was first introduced if it is not necessary now. To sum up, our position is this: We denounce all secret and dishonest commissions, but we maintain there is nothing secret or dishonest about the ordinary practice of solicitors in insurance business. I believe that the opinion expressed by Sir Edward Fry that such practice is productive of a "low tone of morality" must have been formed upon imperfect information. I am confident that it is wholly without foundation, and I for one feel that it would be unworthy of us to be deterred by any such statement from calling attention to the defects in point of drafting which in our view must retard the passing of a Bill the principle of which we entirely approve, and which, when so amended as to remove its present defects, we desire to see speedily passed into law.

THE LARCENY ACT (1861) AMENDMENT BILL.

This Bill was introduced by the Government late in the session and did not survive the "massacre of the innocents." It was probably designed to give effect to the recommendation of the recent special committee of the society that the criminal law with regard to misappropriation should be extended so as to include every case of an agent dealing with money or security contrary to his duty and in violation of good faith. The Bill simply proposed to amend section 75 of the Act of 1861 by omitting the words which make it necessary in order to constitute a criminal offence under that section that the misappropriation should not only be in violation of good faith, but contrary to the terms of a direction in writing. It seems doubtful whether such an amendment of the Act of 1861 will be sufficient to effect the desired object. The history of the law on the point is curious and interesting. The first statute bearing upon it was that of 52 Geo. 3, c. 63, passed, it would seem, in consequence of the law as it previously stood having been found insufficient to support a conviction of a stockbroker who had misappropriated the money of Sir Thomas Plomer intrusted to him for the purpose of purchasing exchequer bills. That enactment was virtually re-enacted as section 49 of the 7 & 8 Geo. 4, c. 29 (one of the Peel Acts), and with some alterations and additions, intended probably to meet such cases as that of the bankers, *Strahan Paul and Bates* and *The Royal British Bank*, that section was again re-enacted as sections 75 and 76 of the Larceny Act, 1861. These sections are too long to quote now, but their effect is thus stated in *Stephens' Digest*: "Every banker, merchant, broker, solicitor, or other agent commits a misdemeanour (a) who having been intrusted as such with any money or security for the payment of money, with any direction in writing to apply, pay or deliver such money or security or any part thereof respectively, or the proceeds or any part of the proceeds of such security, for any purpose or to any person specified in such direction, misappropriates the same in violation of good faith and contrary to the terms of such direction; or (b) who, being intrusted as such with any chattel or valuable security, or any power of attorney for the sale or transfer of any stock, for safe custody or for any special purpose, and without any authority to sell, negotiate, transfer or pledge the same, sells,

negotiates, transfers, pledges or misappropriates the same, or the proceeds of the same or any part thereof, or the share or interest to which such power of attorney relates or any part thereof, in violation of good faith and contrary to the object or purpose for which it was intrusted to him; or (c) who, being intrusted as such with the property of any other person for safe custody, with intent to defraud, sells, negotiates, transfers, pledges, or misappropriates the same or any part thereof." The course of judicial interpretation of the Act of 1861 has been somewhat conflicting, and as the law now stands it is at least very doubtful whether the ordinary case of misappropriation of money by an agent into whose hands it has properly come, not expressly for safe custody, and without written direction as to its application, is a criminal offence. If not it follows that it would not become so if the Government Bill were passed. It seems to me that the best course would be to amend section 75 by introducing into that section an independent paragraph relating to cases of misappropriation where there is no express direction in writing or otherwise. It might take some such form as this: "Every banker, merchant, broker, solicitor, or other agent, who, having in his possession as such the property of any other person, shall, in violation of good faith, appropriate the same or any part thereof to his own use shall be guilty of misdemeanour." And this would as of course be subject to the existing proviso in section 75 for the protection of trustees, mortgagees, and agents holding security or having a right of lien, a protection which is necessary, otherwise a perfectly honest man, acting under a mistake as to his rights, might find himself exposed to an indictment for misdemeanour, and it is not a sufficient answer to that objection to say that he would probably be acquitted. It is interesting at the present moment to note that the defective state of the law on this subject was very clearly pointed out in an able paper read by Mr. Holmes Gore so long ago as the Bristol meeting in 1894.

THE CONVEYANCING AND SETTLED LAND ACTS, &c.

Discussion upon the question of compulsory registration on the transfer of land is properly in abeyance pending the experiment now being made in London. In the meantime I think we ought to go on in the course which our society has followed for so many years of suggesting or promoting amendments in the law affecting the title to and transfer of property. Whatever may become of registration, the Conveyancing and Settled Land Acts will remain the great landmarks in this branch of the law for our time. Whilst broadly progressive in their character they were wisely conservative in form. Hence it has from time to time been found that they could be advantageously extended by amending Acts—which Acts have also afforded opportunity for removing doubts and difficulties which practice and judicial criticism had disclosed. In this work of extension and amendment the Incorporated Law Society has led the way. You will have seen from the last annual report that the Council have caused to be prepared draft Bills for amending the Conveyancing and Settled Land Acts and also the Married Women's Property Acts on points affecting title to property—that these drafts have been submitted to the Lord Chancellor, and that it is understood his lordship has formed a favourable opinion of them. It may, I hope, tend to assist their progress by attracting public attention and eliciting criticism if I state very briefly the proposals now made. The amendments proposed in the Conveyancing Acts are these:

1. Where an incumbrance affects an estate, which is sold in lots, difficulties have arisen in obtaining a discharge of the incumbrance by the court without serving the purchaser of each lot with notice of the proceedings. It is proposed to give the court power to dispense with notice as to all or any of the purchasers.

It is also proposed to enable the court to discharge incumbrances on other occasions besides a sale.

2. According to the decisions in *Hunt v. Bishop* (8 Ex. 675), *Hunt v. Remnant* (9 Ex. 635), *Jenkins v. Jones* (9 Q. B. D. 128, 131), a conveyance of a reversion does not pass the right to forfeit for condition already broken; it is proposed to meet this in the case of leaseholds.

3. It is proposed to confer certain powers on mortgagees incidental to their power of sale, the absence of which has prevented mortgagees in many cases from realizing a full value for their security. These incidental powers in the main correspond with those incidental to the statutory power of sale of a tenant for life. They include power to sell under restrictive conditions as regards buildings or otherwise, to reserve minerals and to grant or reserve easements.

4. To remove doubts which have arisen as to the application of the rule of law relating to perpetuities to the remedies given by section 44 of the Conveyancing Act, 1881, for recovery of annual sums charged on land.

5. To remove doubts as to married women being able to release or disclaim powers under section 52 of the Conveyancing Act, 1881, and section 6 of the Act of 1882.

6. To enable the personal representatives of a sole or last surviving or continuing trustee to exercise or perform powers or trusts pending the appointment of new trustees.

7. To facilitate the dealing by trustees with property vested in them by way of security which by virtue of the Statute of Limitations or by reason of an order for foreclosure or otherwise becomes discharged from the right of redemption.

8. To entitle a purchaser who does not get the deeds notwithstanding any stipulation to the contrary, to require notice of the sale to be indorsed on some one document forming the common title.

9. To obviate the complication in titles which arises where the land becomes split up into undivided shares by enabling the court on a summons to vest the land in trustees on trust for sale, thus rendering a partition action unnecessary.

The amendments proposed in the Settled Land Acts include the following:

1. To provide that on the surrender of the estate of a tenant for life to the person next entitled in remainder or reversion, the statutory powers conferred on the tenant for life in respect of the surrendered estate shall cease, notwithstanding section 50 of the Settled Land Act, 1882. This will clear up a point left open by *Re Mundy and Roper* (1899, 1 Ch. 275).
 2. To put absolute owners on terms of equality with a tenant for life as regards the powers of the Settled Land Acts, confirming the decision in *Re Mundy and Roper*. The purchase-money will of course be paid to the trustees of the settlement where the owner exercises the statutory powers.
 3. To give a married woman, in respect of land of which she is owner in fee, the powers of a tenant for life under the Settled Land Acts, and to enable her to exercise those powers without her husband. This is to meet the decision in *Bates v. Keesterton* (1896, 1 Ch. 159), which showed that land became practically unsaleable where the fee simple was held by a married woman restrained from anticipation.
 4. To make trustees for the purposes of the Settled Land Acts, who are trustees of an instrument under which there is a tenant for life, trustees of the settlement created by that and prior instruments, thus rendering it unnecessary in most cases to apply to the court for the appointment of trustees of a compound settlement.
 5. To set at rest a doubt which has been raised in connection with section 16 of the Act of 1890, as to whether the enactment in that section, which makes the persons who are trustees for sale of other land comprised in the settlement, or trustees with future power of sale, trustees for the purposes of the Settled Land Acts, has the effect of making such persons trustees for all the purposes of the Acts, or only for the purposes of sale and re-investment of the purchase-money. The amendment is to make section 16 read as if the words "land to be dealt with" were inserted therein instead of the words "land to be sold."
 6. To give the statutory powers to trustees of a settlement within the meaning of section 63 of the Act of 1882, and other persons holding land in possession upon trust for sale, which will have the effect of rendering applications to the court under section 7 of the Act of 1884 rare.
- The amendments proposed to be made in the Married Women's Property Acts are these:

1. To enable a married woman without her husband to dispose of trust and mortgage estates. This is to get rid of the effect of *Re Harkness and Allsopp's Contract* (1896, 2 Ch. 358) which held that the Act of 1882 does not apply to trust estates vested in a married woman, and rendered many titles defective.
 2. To declare that, notwithstanding section 19 of the Act of 1882, no settlement or agreement for a settlement made by a husband respecting the property of his wife shall be valid unless executed or confirmed by her when of full age, or unless she dies an infant. This is to remove the difficulty created by the decisions in *Stevens v. Trevor-Garrick* (1893, 2 Ch. 307) and cases there cited, which, if carried to their logical conclusion, would enable a husband to settle without his wife's concurrence property which by the Act of 1882 is made her separate property. It is felt that this might cause injustice.
 3. To set at rest a doubt which has arisen whether a married woman can alone be protector of a settlement in respect of a life estate which is her separate property under the Act of 1882.
- It is to be hoped that these useful Bills may be put forward in the ensuing session. They have one feature in common which should make them, at all events, not less acceptable to Parliament than they are here—they all tend to remove difficulties and avoid expense in conveyancing business. To simplify title and facilitate transfer is the object of all such legislation; and although we may sweep away technicalities which have been productive of costs, I have no doubt that in the long run the interests of the profession and of the public are identical. The more simple titles are, and the more inexpensive the process of transfer, the more business there will be. In this connection there is one practical suggestion which I should like to make, that our members would do well to make more general use of the society's registry of properties, moneys, and securities. Complaint is often made, and justly, as to the inadequacy of solicitors' remuneration in relation to sales, purchases, and loans, as compared with that which commission agents receive. This grievance would be to a large extent removed if solicitors more frequently earned the negotiation scale fees, and the registry affords facilities for doing this, of which the members might more freely avail themselves. The testimony of solicitors who have used the registry largely is that they find it of great practical utility, and are able by means of it to effect business without the intervention of any other agent. This class of business, to a large extent, comes into the hands of solicitors at its commencement. It has only passed into other hands for want of such facilities within the profession as the registry is intended to afford. By means of the registry, if it were generally used, solicitors wanting to find sellers or buyers, lenders or borrowers, would be almost sure of meeting with what they want, to the mutual advantage of themselves and their clients.

LEGAL EDUCATION.

The importance of the question of legal education is such that I need offer no excuse for asking you to devote some attention to it on the present occasion. It must be admitted that the existing facilities for acquiring legal education in the case of persons destined for our branch of the profession are by no means all that we could wish. It is true that to the Incorporated Law Society belongs the credit of first recognizing the importance of the subject. One of the objects of the formation of the society was that of "facilitating the acquisition of legal knowledge." The first institution of any real examination of candidates for admission as solicitors was the work of the society undertaken years

before any examination in legal knowledge was required for the bar. And the interest thus taken in the subject by our branch of the profession was not limited to the institution of tests of fitness for admission to practice. It aimed at the promotion of a scientific study of the law. You are all aware of the important movement begun in the year 1868 for the establishment of a general school of law, a movement with which the name of the late Mr. Jevons, of Liverpool, will always remain identified, and in which a leading part was taken by Mr. Saunders, of Birmingham, and Mr. Marshall, of Leeds. That movement attracted the support of some of the most prominent and influential members of the bar, and under the leadership of Lord Selborne an effort which, although it failed, went very near to success, was made to obtain the necessary Parliamentary sanction. In the meantime, the present system of examination for the bar was established, and the movement, thus deprived of the support of the Inns of Court, necessarily dropped. The idea of a school of law which might be the common portal for both branches of the legal profession has, however, continued as an aspiration in many minds, and by none has it been in recent years more warmly cherished, or more brilliantly advocated, than by the late Lord Chief Justice of England, whose loss we so deeply deplore. We do not fail to recognize how much has in the meantime been done for the cause of legal education by the universities, by the Council of Legal Education, and by our own society, but all that has been done falls far short of the ideal. In the principal Continental States the teaching of law is comprehensive and scientific. In America law students have access to schools of law of world-wide reputation, and, in passing, we may note that the lawyers there trained in common go forth to join the ranks of an undivided profession distinguished alike for its ability and its honour, thus showing that the admission into the ranks of an undivided profession of those who perform the duties of solicitors as the fellows and co-equals of those who devote themselves to advocacy is not inconsistent with the maintenance of the highest standards of judicial and forensic merit. Compared with such facilities for scientific and systematic legal training as exist on the Continent and in America, it is, I think, impossible to regard with satisfaction our own provision for legal education. The Council admit as much in their recent annual report, and it will, I think, be a step in the right direction if we frankly recognise that we want greater facilities for the study of law as a science to be acquired, and not merely as a craft to be practised. If these facilities could be obtained under such conditions as would admit of all law students being trained in common up to a certain stage, we should gain important incidental advantages. The student would be able to defer the decision which branch to take up until he had gone far enough to have some means of judging which he is best fitted for, and men thus trained in common going to different branches for the purposes of actual practice would feel in a degree they have never felt before that they are members of one and the same profession. But as there is no immediate prospect of the attainment of this higher ideal, we must see what can be done in the meantime to improve the existing facilities for the training of our articled clerks. You are aware that until the year 1893 the Council provided lectures and law classes in London; but it may not be known to you all that in 1891 the number of students attending the lectures had fallen to twenty-nine, and the number of students attending classes for the intermediate examination had fallen to forty-seven. In 1893 the system of law tutors was adopted. The tutors hold separate classes for final and intermediate students, and give postal instruction to those students who cannot attend the classes. This postal instruction is the only part of the system which is available to clerks articled in the country, until they go up to London towards the end of their clerkship. In 1899 the number of final students attending the classes was forty-five, and having postal instruction fifty-five, and the number of intermediate students attending the classes was twenty-six, and having postal instruction fifty-seven. It cannot surely be said that these results are satisfactory, though in saying so I must guard myself against being supposed to reflect in any way upon the tutors. I have had opportunity of personally observing their work, and I believe they have done it admirably, but a system which attracts so few of our students after a trial of six years cannot, I think, be regarded as a success. The fact is that the system as an aid to passing the examinations is subject to the competition of outside tutors or coaches who attract the bulk of the students. This I think is not surprising. All other things being equal, it seems to me more than probable that the methods to which resort can be had by outside tutors for attracting pupils, coupled with the not unnatural tendency on the part of the pupils to regard the society rather as a stern examiner than as a friendly tutor, will always result in the larger number of those articled clerks who seek tuition resorting to the professional coach. And even if this were not so, it seems to me that the Incorporated Law Society was never intended to be a teaching institution. What, then, can we do? One course is open, and it has already been adopted to some extent—that of making grants in aid of educational organisations which satisfy the Council that they are adopting satisfactory methods of instruction. The grants for the current year are as follows: Birmingham Law Society, £100; Liverpool Board of Legal Studies, £250; Manchester Law Society, £150; Yorkshire Board of Legal Studies, £250; Sheffield Law Society, £50. After referring to the facilities for university education, Mr. Ellett came to the subject of

DISCIPLINE.

It is unpleasant to turn from a subject so full of interest and promise as that of education to the consideration of disciplinary measures for the protection of the public and the profession from malpractices. The honour of the profession, no less than the interests of society, demand, however, that a privileged body should be subject to a discipline strict and vigorous in proportion to the temptations which beset its members and to the magnitude of the evils which may result from malpractices. The Incorporated

porated Law Society has always recognized this, and has done much towards enforcing discipline in the ranks of our branch of the profession. We have all been shocked at the recent occurrence of malpractices of a very grave character and failures of great magnitude. It is true the offenders are a small number out of the great body of solicitors, and that our profession need not fear comparison with any other as respects the proportion of its black sheep. It is true also that no laws or regulations can ensure immunity from crime. But all that should not for one moment cause us to relax our determination that malpractices amongst us shall be fearlessly and vigorously dealt with. In this the interests of the profession and of the community are identical. By some strange misconception it has been supposed that the duty of detecting crime in the case of solicitors and of bringing the criminals to justice rests with the society. It clearly does not any more than it rests with the benchers to prosecute criminals who are members of the bar, or with the medical council to prosecute criminal members of the medical profession. It is the duty of the State to provide for the prosecution of criminals from whatever class they are drawn, and it is not for us to suppose that that duty will be neglected. But so much are we interested in maintaining the highest standard of integrity in our ranks that the society has recently declared its determination to do everything in its power in support of the Public Prosecutor, or otherwise to secure the punishment of solicitors guilty of misappropriation. That is the effect of the adoption by the society of the report of the recent Special Committee, and it is a declaration which has been so generally approved both within the profession and outside it that we need not discuss it further here. In passing from it I cannot refrain from giving expression to what I know to be the universal feeling amongst us, that we are under a great obligation to Mr. Manisty for the able and judicious manner in which he dealt with this subject as chairman of the Special Committee. It seems to have been thought by some that the duty of prosecuting solicitors for breach of the criminal law rests with the Statutory Committee. That was, of course, an equally erroneous impression. The committee was established by Parliament for two purposes relating solely to the purging of the roll of solicitors, and having nothing whatever to do with prosecution for crime. Those purposes were (1) to consider whether the facts stated on an application against a solicitor disclose a *prima facie* case of professional misconduct, discharging in this particular a duty previously performed by the court; and (2) where a *prima facie* case exists to take the evidence on both sides and report the result to the court, discharging in this particular a duty previously performed by a master. The object of the whole procedure is limited, as the jurisdiction of the court itself is limited, to the control of solicitors as officers of the court, a control maintained by striking offenders off the roll, or suspending them from practice for a time, or in some more trivial cases by ordering the payment of costs. It has been stated that the establishment of the committee amounted to a transfer of the disciplinary powers of the court over solicitors. That is not so. The powers of the court remain intact, and the only part of the procedure leading up to the exercise of those powers formerly conducted by the court and now by the committee, is that of determining whether or not a *prima facie* case exists calling for an answer, and even as to that there is nothing to prevent a direct application to the court. In contrast with these very limited functions of the committee it is interesting to observe that the sister profession of medicine possesses absolute power, vested in the Medical Council, to punish professional misconduct on the part of its members, subject only to an appeal to the court. We must not, however, in our anxiety to rid the roll of offenders, forget our duty to protect the great mass of the profession. A very large proportion of the charges made against solicitors are made in ignorance or malice, and shew no grounds for inquiry, and yet under the former practice every one of those cases came in the first instance before the court, and the name of the solicitor unjustly accused was very often made public, always to his annoyance and frequently to his injury. The intervention of the committee checks, and properly checks, this evil, and is a protection to honest men which must not be relinquished. I have already said that the offenders are a small proportion of the great body of solicitors. I do not repeat this with any desire to minimize the gravity of the malpractices and failures which bring discredit upon the profession: indeed it is difficult to restrain one's indignation, and impossible not to feel the deepest sympathy with those who have been wronged: but it is necessary to utter a word of caution against panic. As a matter of fact the number of solicitor bankrupts, serious and regrettable as we all feel it to be, is now less than it was, and appears to be steadily decreasing. In 1878, when a question on the subject was asked in the House of Commons by Sir Henry Peek, and that gentleman offered prizes for essays upon it, it was stated as the results of the investigations made by the essayists that for the sixteen years, 1861-77, the number of failures of solicitors announced in the *Gazette* was 952. At that time the number of practising solicitors was about 11,000. The average number of bankruptcies in the sixteen years was therefore 59 per annum, or .53 per cent. The report of the Inspector-General in Bankruptcy for the year 1899 says that during the past nine years there had been 359 receiving orders against solicitors. The number of practising solicitors during that period was about 15,300. The average number of bankruptcies in the nine years was therefore 39 per annum, or .25 per cent. For the year 1899 the number of bankruptcies was 36 out of 15,500 practising solicitors or .23 per cent. only. These figures shew that the percentage of failures in the period 1890-99 was less than half what it was in the period 1861-77, and that in the year 1899 it was lower still. It is to be noted too that many of the persons described in the bankruptcy returns as solicitors are not practising solicitors, so that the percentage is really smaller. The causes which have led to this improvement are in full operation, and I look forward with confidence to still better results. One

measure which I regard as likely to bear good fruit is but now coming into force—the refusal of certificates to undischarged bankrupt solicitors, leaving them to their right of appeal to the Master of the Rolls or to the court. Until recently it was understood that the Council had no power to do this; it has now been decided by a Divisional Court that the power exists, and the Council may, I am sure, be relied upon to exercise it. The action of the Council in this respect would be facilitated if the Registrar in Bankruptcy were required to give notice to the society of all cases in which a bankrupt solicitor fails to obtain his discharge within twelve months, a suggestion which was made by Mr. Munton at Cambridge in 1879, but which has not been acted upon. Then we look to the Legislature to strengthen the criminal law in regard to misappropriation of clients' moneys. I have no doubt that in a large proportion of the bankruptcies we have been speaking of there has been misappropriation, but it has been under circumstances which in the present state of the law would not sustain a prosecution. The proposed amendment of the Larceny Act would reach such cases. It has been thought by some that, in addition to the ordinary disciplinary measures, regulations of a precautionary nature might be adopted. Suggestions as to insurance or guarantee appear to have been considered by the recent Special Committee, but they report that nothing of general practicability had been proposed. The committee most properly urge the importance of well-kept accounts. My belief is that as a general rule solicitors' accounts are fairly well kept for all practical purposes, and that the cases which come into the Bankruptcy Court disclosing insufficient, inaccurate, or fraudulent accounts are cases in which those defects would be found to exist notwithstanding any regulations on the subject. It would not be practicable to lay down any hard-and-fast rules applicable to all cases; and, even if it were possible to frame suitable regulations, it would be impossible to see that they are carried out. I confess to feeling very strongly that suggestions of this kind—well intended enough, I know—are not only impracticable, but wrong in principle. If we cannot maintain the honour and integrity of the profession on the basis of the high character prevailing amongst its members, with the aid of the ordinary criminal law and of the special disciplinary jurisdiction of the courts, we shall never do it by requiring security or by mere paper regulations as to accounts. The real causes of failure in nine out of every ten cases of defaulting solicitors are speculation with other people's money and extravagant personal expenditure. These are vices against which such checks as those under consideration would be powerless. They are vices not peculiar to our profession, and they must be kept in check by the usual means by which men in every sphere of life are taught that honesty is the best policy. It seems to me, however, that there is one alteration in the Solicitors Acts which might be made with advantage and which, though in itself perhaps only a small reform, might act as a deterrent at the beginning of a downward career and often prevent the loss of a client's money. At present, as is well known, a solicitor is able to withhold information as to a client's securities and delay the delivery of accounts, and retain money in his hands for a long time. Where it is perfectly clear, either by admission or proof, that a solicitor has money in his hands belonging to a client, an order for immediate payment can be obtained on an application in the matter of the solicitor; but it has been held that this course should not be adopted unless misconduct is imputed. The more usual course is, therefore, to apply under the Solicitors Act, 1843, but that takes a considerable time—ordinarily something like two months, I understand—and no effective pressure can be brought to bear until the taxing-master has made his certificate—which may take longer—so that it is possible for a solicitor, who has in his hands a large sum of his client's money, to stave off the day of payment for a very long time by delaying under various pretexts the delivery and taxation of an insignificant bill of costs. I see no reason why a client should not be able to give notice to a solicitor requiring him to deliver a cash account and a statement of all securities and documents held by him for the client, and if this notice is not complied with within, say, seven days, the client should be empowered to apply to the Statutory Committee, and that committee should have power to suspend the solicitor from practice until the notice is complied with. If any reasonable explanation of the delay could be given it would be listened to by the committee. If the account is rendered, and there are costs to be taxed, the taxing-master should be empowered to order immediate payment of any money appearing to him to be due from the solicitor, after providing for the costs, without waiting for the completion of the taxation, just as is done upon accounts lodged in chambers, and the taxing-master should tax in the vacation in urgent cases. It might also be very useful to provide that, in default of compliance with any order for payment of money in the hands of a solicitor, the Statutory Committee should have power, on proof of service of the order and non-compliance, to suspend the solicitor from practice until payment. That would be a simpler, less expensive, and often a more effective remedy than attachment. But our aims and aspirations as members of the Incorporated Law Society are much higher than the mere maintenance of that standard of integrity which escapes the application of disciplinary measures. We want that every solicitor should feel that the honour of the whole profession is in his individual keeping, and should strive so to act that it should be impossible for any client to put undue confidence in him. The attainment of a due sense of professional honour would make it an impossibility to speculate with or otherwise to jeopardise a client's money. We want, moreover, to discourage and condemn every species of sharp practice, and notably that of fostering litigation for the sake of costs which it would be idle to deny exists amongst a certain type of practitioners. And in our efforts to raise the tone and character of the profession—an object which is certainly one as much of public as of professional interest—we might well expect to receive more help and encouragement from Parliament and the

bench. Parliament still withholds from us that simple measure of justice for which we have long asked and asked in vain—that solicitors shall not by reason solely of their calling be disqualified from acting as justices of the peace in the counties in which they practice—the roads to the most honourable and valuable professional preferment are closed to us—even the official appointments which by name and duties belong peculiarly to solicitors are too often conferred on members of the other branch of the profession—and the judges are much more in the habit of reminding us that we are officers of the court in order to impose upon us some restriction or disqualification than to recognize in the fact a title to courteous treatment, adequate remuneration, and equal consideration with themselves and the bar in all matters affecting our common profession. The surest way to raise the standard of honour and integrity in any class is to accord to it as a body the consideration and treatment due to its best, and not its worst representatives.

LAW REFORM.

Circumstances have not for some time past been favourable for the discussion of measures of law reform in Parliament, but it may be fitting that we should remind ourselves of some of the questions which await solution. Foremost amongst them is the reform of the circuit system and the prevention of waste of judicial strength. This question has passed beyond the stage at which discussion here can be of any avail. The facts are known—the evils are apparent—ministers and law officers have assured us that proposals of reform would be forthcoming. But nothing is done. I doubt whether the question would be really advanced by any attempt at the present moment to formulate any scheme. Vested interests would set to work to pull it to pieces, and if the scheme were put forward by us it would in interested quarters be denounced as a lawyer's job. Let the pressure of public opinion be applied and the difficulties will speedily disappear. The establishment of a Court of Criminal Appeal is perhaps a more debatable question than the reform of the circuit system, but to me it seems strange that in an age when so much has been done to free ourselves from the taunt that in our criminal system we place property before life or liberty, we should not yet have advanced to the stage of giving to a man whose life or liberty is at stake a right of appeal which we allow in civil cases of very insignificant amount. Then there is the question of detention of persons awaiting trial. It surely is a scandal that men should be imprisoned for weeks—recent statistics shew cases of as much as sixteen weeks before trial—often on comparatively trivial charges. This is bad enough in the case of guilty persons, but what are we to say of the considerable percentage who on their trial are found to be innocent. I cannot help thinking that with a better circuit system arrangements might be made for the more speedy trial of prisoners; but in the meantime something should be done to facilitate an appeal from a refusal of bail. Mr. Justice Mathew has suggested that a prisoner might be enabled to require the depositions to be sent by post to a judge in London, the magistrates adding a note of the grounds on which they have refused bail. This would be a very simple remedy if the details of the plan can be arranged by the judges. It is suggested that the judges should deal with these applications in public, and that thus "a definite rule would soon be arrived at"; but I think, perhaps, that is claiming more from the change than can be expected. There would, as I understand, be no appearance by counsel or solicitor and no public statement of the facts, and really the question is not one of principle, but of fact, whether or not in the particular circumstances of each case there is any reasonable ground to suppose that the liberation of the prisoner on bail will tend to defeat the ends of justice. Notwithstanding the public-spirited suggestion of Mr. Justice Mathew, I should not be surprised to find that there are practical difficulties in carrying it out, and certainly the time is not opportune for imposing additional duties on the judges. If this should be found to be the case, might not the chairman of quarter sessions or a small standing committee appointed by quarter sessions be substituted for a judge? The depositions could be sent to the clerk of the peace, who would communicate with the chairman or convene the committee, and would transmit the decision to the committing magistrates. I think that the existence of such a tribunal sitting as a sort of local court of appeal from the committing magistrates would encourage the magistrates in granting bail and tend to bring about as far as practicable uniformity of practice. Of course the existing jurisdiction of a judge in chambers would not be interfered with. I see that in some judicial comments upon what appeared to be unreasonable refusal of bail the blame has been thrown upon the magistrates' clerks. As a member of that body I may perhaps be allowed here to say that at I believe this censure to be, as a rule, quite unfounded, and it should be remembered in fairness to the magistrates and their advisers that the responsibility is a serious one. I am sure they would both welcome the introduction of a system by which the magistrates would be relieved of the sole responsibility, and an additional guarantee be afforded for maintaining the liberty of the subject without prejudice to the ends of justice. The Long Vacation remains unaltered. On our part we have been willing by way of compromise to join in a movement for a very moderate reform whereby the vacation would commence at the beginning of August and end on the last Saturday in September. I regret to see that the latest utterance on the part of the bar is opposed to any alteration whatever. A striking instance of the inconvenience of the present protracted suspension of business has been seen during the present vacation. The vacation judge has held that an appeal by a plaintiff from a master's order giving leave to defend under order 14 is not vacation business. Such an order may mean the loss of a debt, and to close the door to an appeal for nearly three months may really be a denial of justice. Our legal procedure continues unimproved. A system of procedure which requires a volume of upwards of 2,000 pages to state it, stands, I think, self-condemned. Reports and recommendations on the subject have been made over and over again by

the bar and by our society, but nothing is done—or if anything, it is a bit of patchwork here and there only adding to the chaos. I believe there is no prospect of any real improvement until the bar and our Council, representing the practitioners, and knowing by practical experience what the defects are and how they may best be remedied, have a real instead of a nominal share in making the rules, nor until some one person is appointed and adequately paid to see that the various rules are in harmony one with the other, and that alterations and additions made from time to time are so made as not to conflict with existing rules. The question of costs in contentious cases is still unsettled. I believe that, speaking generally, it is true that the bench, the bar, and the solicitors are agreed that the costs allowed to a successful litigant and payable by his opponent should in all cases include all expenses reasonably and properly incurred, and that the successful party should have a full indemnity, and have to pay only costs, if any, incurred through over caution, negligence, mistake, caprice, or lavish expenditure. Yet the present system goes on; a successful litigant finds that he had better have compromised his claim for half, and people more and more seek other ways of settling their differences instead of litigating them. No doubt there are serious practical difficulties in giving effect to the general principle upon which such unanimity exists, but they are difficulties which a small body of experienced practitioners could, I believe, surmount. The prospects of reform are distinctly retarded by that unfortunate tendency in some quarters to treat the whole amount of a bill of costs as representing solicitors' charges, whereas those charges are but a very small proportion of the total. Indeed, the case is even worse than this, for whereas counsel's fees and witnesses' expenses are increased and increasing, solicitors' charges remain the same. By this means the costs of litigation so far as they are represented by solicitors' charges are made to appear heavy—when they are the reverse—and then comes the absurd suggestion to cut the knot which no effort is made to untie, by enacting that a solicitor shall receive no costs from his own client beyond what is recovered from the other side except for expenses authorized in writing by the client—an authority which it would sometimes be impossible, and usually impracticable to obtain. Indeed, the whole question of costs remains in a most unsatisfactory position, and it cannot be otherwise so long as the amount of a solicitor's remuneration is determined by petty allowances for letters, attendances, and folios, instead of being based upon the value and importance of the business done and the skill and labour employed. There is, I believe, no prospect of the necessary reform in this important matter of costs being carried out until the framing of scales of costs, as well as the making of rules, is left to a body on which practitioners from both branches of the profession are adequately represented. If I have at all succeeded in conveying to your minds the thoughts which press themselves upon mine, you will agree with me that there is much work to be done which can only be done in the best way if the society is adequately maintained, and has the support of the profession as a body.

APPEAL TO NON-MEMBERS.

Let me bring to a conclusion an address already too long by making an appeal to those solicitors who are not members of the society to help in this work. They cannot, I think, be unaware of the necessity which exists for the exercise of all the power and influence which the society can exert. Every needed reform in law or procedure—every unredressed grievance affecting the profession—every malpractice committed in our ranks—is a call to each member of the profession to promote the objects of this society. At the second provincial meeting, at Liverpool in 1875, the ideal of completeness to which the society should aspire was thus stated by the late Mr. Francis Thomas Bircham: "To me it appears that the Incorporated Law Society will not be what it ought to be until every fitly qualified member of the profession shall have joined it, shall have entered into its fellowship, given it his aid and influence, accepted its control, and thus done his best in regulating and helping and elevating the class to which he belongs." I should like to adopt and re-echo those words. Much progress has been made since they were uttered. At that time there were but 2,961 members of the society out of 11,728 practising solicitors. Now we have 7,880 members out of about 15,500 solicitors. An increase of one-fourth to more than one-half is a great and most encouraging fact. It fully supports our claim to be representative of the profession. That claim stands even higher than these figures indicate, because many firms of solicitors are content to have one partner only a member of the society, and although this is a practice which I should like to see altered, it is the fact that all the members of these firms are really represented by the society. But we are still far from having achieved Mr. Bircham's ideal. I do not at all put the financial aspect of the question in the front rank of importance, but it is important. There is much to be done which requires more money. The society's buildings in Chancery-lane await completion. It is much to be regretted that we should have to hire examination rooms outside our own buildings, whilst parts of the society's premises are let off as shops, and those of a by no means ornamental character. I am not going here to discuss the question of the Law Society Club—though in passing I may say that facilities for social intercourse and entertainment have always formed and I believe must in some shape continue to form an important feature in the scheme of the society—but it is obvious that there is a growing desire on the part of our members for more accommodation, and that of course means the outlay of more money. In the remarks I have made on the subject of legal education I have indicated as object upon which we might usefully spend more money—nay, as object which we cannot hope to attain in anything like a satisfactory measure without more money. What might we not achieve if every solicitor were a member of the society? To a great extent every solicitor is benefited by the action of the society. I wish each non-member would

put to himself the question, what right he has to reap where he has not sown? I have seen it suggested that these abstentions are due to disapproval of the action of the society. I do not believe it. They are mainly due to that inertia which affects no inconsiderable section of all great bodies. It has often been suggested that membership should be compulsory. If by this is meant compulsory payment then I agree that, if the necessary funds are not forthcoming otherwise, there is no sufficient reason why every solicitor should not be compelled to contribute towards expenditure from which he derives benefit. He does so already to a very small extent in the fee paid on taking out his annual certificate, and if need be that contribution should in the case of non-members be compulsorily increased. In any other sense it seems to me that compulsory membership must mean the entire change of our present system of professional organization and control, and a resort to some such system as that which prevails in the medical profession, involving the establishment of a statutory council independent of, although perhaps to some extent nominated by, the society. This would be a revolution, not a reform, and I think we should be very unwise to root up an institution which on the whole has been a marked success, for the purpose of making an entirely new experiment, to say nothing of the agitation and expense which would be necessary before such a change would be possible or of the suspense in the meantime of much useful work on the part of the society. And, moreover, I attach great importance to the maintenance of the feature of voluntary membership and voluntary work because I think it tends to give greater moral weight and influence to the action of the society. It is in that spirit I make this appeal to non-members to join us. I ask them to rise above the mere money-getting view of the profession and to regard admission to its privileges as a call to take share in the public life and public work of the profession. I am sure there is no way in which they can so well respond to that call as by associating themselves with this society. And lest it should be supposed that I am too partial a witness to its claims upon their confidence, I will cite the generous testimony of a distinguished member of the bar, Mr. Joseph Walton, Q.C., who, in his address to the American Bar Association last year, when speaking of what had been done for the profession by English solicitors, referred to this society as "their great society—which has done so much to maintain a high standard of education, efficiency, and honourable conduct in their branch of the legal profession."

Mr. A. PORE, J.P. (president of the Dorset Law Society) proposed a vote of thanks to the president for his very able and exhaustive address. There were very few subjects of interest to the profession upon which it had not touched. Just at this moment, when the failure of some firms supposed to be of high standing in the profession had brought discredit upon solicitors, it was obvious that the society should make known its doings in the light of day, and should do its utmost to promote the highest standard of honour among its members. He congratulated the country members of the profession that a country solicitor was filling the presidential chair, and that the society in turn was recognizing their claims. The society, to be of use, should be as universal and popular as possible, and every effort should be made to bring practising solicitors both in town and country within its influence. In concluding he took the opportunity of welcoming, on behalf of the Dorset Society, the members of the Incorporated Law Society to Weymouth.

Mr. J. WREDFORD BUDD (London) seconded the motion, which was carried with acclamation, and

The President briefly responded.

DISCIPLINE COMMITTEE.

Mr. J. HUNTER read the following paper, entitled "The Duties and Powers of the Committee appointed under the Solicitors Act, 1888":

As considerable misapprehension appears to exist as to the duties and powers of the Statutory Committee appointed under the Solicitors Act, 1888, I think it may be of interest to this meeting to have a paper read on the subject. Prior to the year 1888 any person complaining that a solicitor had been guilty of misconduct had to make an application to the court to strike him off the roll. The application had to be made by motion in court supported by affidavits; the solicitor complained of filed affidavits in answer to those of the complainant, and on the hearing of the motion the court, if the facts were disputed, referred the matter to one of the masters to inquire into and report, and the evidence was then gone into *in camera* before him. On the master's report the motion came on again before the court, and was finally dealt with by it. Such an application could be and frequently was made by the Council of the Incorporated Law Society, which had been appointed Registrar of Solicitors by the Act of 1843. If it was not made by the Council in the first instance, then under an Act passed in 1874 notice of the application and copies of the affidavits in support of it had to be sent to the society, who were authorized to appear on the application and subsequent proceedings, and if the complainant did not duly prosecute his complaint, the society was authorized to do so. Up to this time the duties of the Council were those of bringing to the notice of the court complaints against solicitors for professional misconduct, or assisting other persons to do so, and these duties of the Council were entrusted to a committee of its members which goes by the name of the Professional Purposes Committee. By the Solicitors Act, 1888, for the purpose of hearing any application to strike a solicitor off the roll of solicitors, or of hearing an application to require a solicitor to answer allegations contained in an affidavit, the Master of the Rolls was authorized to appoint a committee of seven members of the Council of the society, of whom three were to be a quorum. An application against a solicitor, either to strike him off the roll or to require him to answer allegations contained in an affidavit, is under this Act to be made to and heard by the committee in accordance with rules to be made by the Master of the Rolls with the concurrence of the Lord

Chancellor and of the Lord Chief Justice. The committee, after hearing the case, is to embody their finding in the form of a report to the High Court. If the committee are of opinion that there is a *prima facie* case against the solicitor it is the duty of the society to bring the report of the committee before the court. The report is to have the same effect and be treated by the court in the same manner as a report of a master of the court, and the court may make such order thereon as they think fit. If the committee are of opinion that there is no *prima facie* case against the solicitor the society need not take any further proceedings. The rules made under the Act by Lord Esher, then Master of the Rolls, Lord Halsbury, as Lord Chancellor, and Lord Coleridge, then Lord Chief Justice, provide that an application against a solicitor must be in writing, signed by the applicant, and that it must be sent to the registrar, together with an affidavit stating the facts on which the applicant relies in support of his application. The registrar is to send a copy of the application, and of the affidavit in support, to the solicitor, and the registrar is also to give notice to both parties of the day fixed for hearing the application. The applicant and the solicitor have to give notices *inter se*, and also to the registrar, of all documents which they propose to put in at the hearing. At the hearing of the application by the committee the parties appear by themselves or by their solicitors or counsel; witnesses are sworn and give their evidence *in camera*, and the witnesses, including the parties, are subject to examination and cross-examination as if they were witnesses in an ordinary action. The rules prescribe that after hearing the case a report of the finding of the committee shall be drawn up and signed by the chairman of the committee and filed at the Central Office of the Supreme Court. If the report be set down for consideration by the High Court the registrar is to give notice of the day of hearing to the applicant and the solicitor. If the order on consideration of the report is adverse to the solicitor the registrar is to make such entry on or alteration in the roll of solicitors as shall be required by the order. Under this Act and rules the society, and its Council as their executive, have the powers they previously had of instituting proceedings, or of carrying on proceedings instituted by other persons, against solicitors; they have notice of all proceedings instituted by other persons; they have, further, the ministerial duties of receiving and giving notices of proceedings and notices as to documents, &c.; and if the committee make a report adverse to the solicitor, the society have the further duty imposed on them of bringing the report before the court, of giving notice of the hearing to the parties, and of making such entry on the roll as the order of the court requires. These duties are, in effect, to bring before the newly-constituted tribunal complaints of malpractice by solicitors. But the duties of the seven members of the Council, appointed by the Master of the Rolls to form the Statutory Committee, are strictly judicial, and as soon as the Act came into operation one of the first questions to be considered was the necessity of keeping the members of the Statutory Committee entirely separate from the other members of the Council, when the latter were engaged in any way in carrying out their duties or discussing whether or not a formal complaint should be lodged against a solicitor in respect of his alleged misconduct. A resolution was accordingly passed by the Council that no member of the Statutory Committee should be a member of the Professional Purposes Committee; and when any recommendation of the Professional Purposes Committee in reference to any actual or proposed proceeding under the Act comes up for consideration by the Council, the members of the Statutory Committee withdraw. It is obvious that the members of the tribunal who are appointed to hear the evidence in support of and in reply to any allegation of malpractice, and to report to the court their opinion on the evidence, are by the fact of their appointment for this purpose disqualified from taking part in any preliminary investigation of the complaint. If anyone doubts this I refer them to the case of *Regina v. Griffiths*, reported in the *Times* on the 1st of May last, where an order of magistrates inflicting some punishment under the Education Act was quashed by the High Court on the ground that one of the magistrates who made the order was a member of the School Attendance Committee who had directed the prosecution. Applications against solicitors, whether made by the Incorporated Law Society or by other persons, have to be brought before the Statutory Committee in the same way—viz., by notice in writing signed by the applicant sent to the registrar, and supported by an affidavit of the facts relied on; and since the Act of 1888 the Council have, when they have decided to make an application, instructed a solicitor to do so on their behalf, and he makes the application in his own name and supports it by affidavit. The application and affidavit, in common with those made by other persons, are, when received by the registrar, handed over by him to the secretary to the Statutory Committee, and it is then, and not till then, that their duties commence. The affidavit and application, as soon as received, are considered by the chairman of the committee, and if he is of opinion that the affidavit discloses a case for inquiry, notice is given to the applicant and to the respondent of the date fixed for hearing the application. If the chairman is of opinion that the affidavit does not disclose a case for inquiry, the papers are read by two other members of the committee, and the application is not refused unless all three of the committee on the rota for duty at the time concur in its refusal. Although the Act and the general orders prescribe "that after hearing the case the committee is to embody their finding in the form of a report to the High Court," the committee, from its first institution, exercised its discretion as soon as the affidavit in support of the application was received; and if they consider that the facts stated in the affidavit do not disclose a case that calls for inquiry, they inform the applicant of this and decline to fix a day for hearing the application. The question whether or not they were justified in adopting this course came before the Queen's Bench Division in 1895, and is reported as *Reg. v. Incorporated Law Society* (1895, 2 Q. B. 456). The case was fully argued, Sir Edward Clarke, Mr. Willis, Q.C., and the present Attorney-General appearing for the

Incorporated Law Society, the applicant, and the solicitor respectively, and the court (Pollock, B., and Wright, J.) decided that the practice of the committee was right, "and that in proper cases they not only may but ought to refuse to put the parties to the inconvenience and trouble of an inquiry." The applications against solicitors during the twelve years that have elapsed since 1888 number 1,210; of these the committee declined to hear 622. In one of these cases only did the applicant exercise the power given to him by the Act of applying direct to the court. He applied not by asking the court to hear the case, but asked for a *mandamus* to compel the committee to hear the case. In this—the case referred to above—the court refused the *mandamus*. This was in 1895, and nothing more has been heard of the case. As soon as a day is fixed for hearing, the parties have notice of the time fixed. This notice informs the parties that they may appear in person or by counsel or solicitor; that the case must on both sides be proved before the committee by oral or documentary evidence, irrespective of the affidavit in support of the application; and that the parties must furnish to each other and to the registrar, fourteen days before the hearing, a list of all the documents which they propose to put in; that such documents are to be open to the inspection of the other party, and that copies of them must be supplied to the other party if required. Under a recent general order affidavit evidence may be received by the committee if the respondent is not present at the hearing. The non-appearance of the parties does not prevent the committee from dealing with the case and reporting to the court either on the facts appearing by the original affidavit in support of the complaint, or by appointing a solicitor to conduct the case and compel the attendance of the necessary witnesses before the committee. So far as I know it has never been found necessary to exercise this power. When the case comes on to be heard applications are frequently made to the committee by the applicant to allow the case to be withdrawn. This cannot be done without leave of the committee, and such leave is only given where the committee is satisfied that the explanation given by the solicitor and accepted by the complainant is sufficient, and shews either that no ground for complaint exists or that the case is one in which restitution may properly be allowed to purge the offence, and that complete restitution has been made, or will be made, if the case is allowed to stand over to give the respondent time to make such restitution. Complete restitution is usually made to include the payment of the applicant's costs. In the course of the hearing, if the committee come to the conclusion that no case of professional misconduct has been proved against the solicitor, they either make a report to the court to this effect, or, if the parties consent, they allow the case to be withdrawn without making a report. Their right to adopt this course was challenged in a case, *Ex parte W. and the Incorporated Law Society* (reported in 67 L. T. N. S. 856), but the court (Lord Coleridge, C.J., and Wills, J.) approved of it. In one or other of these two classes 274 cases have been withdrawn after the committee have fixed a day for hearing. Of the 314 applications remaining after deducting those which the committee declined to hear or allowed to be withdrawn or did not report on, nine are still incomplete. The remainder, 305, have been heard by the committee and reported on, 68 in favour of the solicitor, 237 against the solicitor. In the cases in which the reports have been made in favour of the solicitors, the parties have acquiesced in the finding, and no further proceeding has been taken except that in some cases the court, on the application of the respondent solicitor, ordered the unsuccessful applicant to pay the costs of the application and inquiry and of the application to the court. In the cases in which the reports of the committee have been unfavourable, the reports have come before the court, and in most cases the court have either imposed some punishment on the solicitor by striking him off the roll or suspending him from practice for a period. In some cases they have made no order, and in others no order except that the solicitor should pay the costs of the proceedings. The committee have no power under the Act or the orders to direct the payment of costs by either party, but on the strength of the cases where the committee have found the complaint proved and no order was made by the court except that the respondent should pay the applicant's costs, the committee have in similar cases abstained, with the consent of the parties, from making a report if the solicitor complained of indemnified the complainant against the costs. In some cases, where the applicant is in poor circumstances and has suffered pecuniary loss by the solicitor's misconduct, the committee can recommend the Council to pay the applicant's costs, and this recommendation is acted upon. On the applications to the court following on a report made by the Statutory Committee against a solicitor the court has given several decisions, which are of interest as shewing the way in which they will exercise their jurisdiction. In the first place, the court has decided that notwithstanding the words in the form of affidavit in support of the complaint given in the schedule to the Act—"C. D., of _____, solicitor of the Supreme Court of Judicature in England, has been employed by me in a professional capacity"—the application might be made by anybody, and that the right to make it was not limited to clients or persons injured. In this case it was also decided that on an application against a solicitor who had been adjudicated a bankrupt, the notes of his public examination in bankruptcy signed by him might be used in evidence against him. The court have decided that although the application is to punish the solicitor by striking him off the roll, the application is not criminal business, and therefore an appeal lies as in ordinary civil business. In one case Denman, J., laid it down that, "In order to authorize the court to exercise its punitive jurisdiction it is not enough that the solicitor has been guilty of grave errors of judgment, nor that he has accepted a position which a highly sensitive and scrupulous solicitor would not accept, nor that he has accepted remuneration enormously in excess of the services rendered, but it must be shewn either that his conduct in the management of professional business has been fraudulent, or that he has neglected some positive duty to his client, or that his conduct has been such that it would

have warranted the refusal to admit him to be a solicitor." In this case the committee reported that the original complaint against the solicitor had been disproved, but as the result of the evidence a fresh complaint was formulated, and it was this fresh complaint that the committee found to be proved and on which the above judgment was given. In cases involving the loss of money by clients through the action of the solicitor, the following extracts from the reported decisions of the court from time to time will shew the view taken by the courts of facts reported by the committee to have been proved against solicitors. In a case in which the committee had reported that the solicitor was guilty of professional misconduct in having received money for a poor woman "who could read but little and could only write her name," and in spite of her repeated applications for payment had retained the money and only paid over the admitted balance after he was aware that the complainant had applied to a magistrate for assistance, Wills, J., said: "I see no evidence of any misrepresentation or deceit of the solicitor; it merely comes to this, he has not paid the money and made various excuses. I see no professional misconduct. The committee, no doubt, desire to discountenance the practice, which is too common, of solicitors recovering small sums for small people and leaving them unable to obtain the money. The Law Society naturally feel strongly about this practice, and are desirous of checking it where they can. But the court must have something beyond mere non-payment to constitute professional misconduct; there must be something amounting to misrepresentation or deceit, not merely the fact that the money has not been paid over." In a case in which a solicitor was reported by the committee to have been guilty of professional misconduct in accepting large sums by way of loan from a client shortly after he came of age and in keeping no proper account of the transaction, the client did not appear to give evidence, and Wills, J., in view of the absence of his evidence, said: "The proper thing to do is to give as lenient a consideration as possible to things which are left in doubt by reason of his absence"; but being of opinion that the client had suffered from the solicitor combining two inconsistent characters, that of a borrower gaining a personal advantage to himself and that of professional adviser to the client, the court suspended the solicitor from practice for a time. On the other hand, in a case in which three charges of misappropriation had been proved and the court below had suspended the solicitor for three years, Lord Esher, on the matter being brought before the Court of Appeal by the solicitor, in his judgment said: "The only question for the court in such cases is whether there was that proved against a solicitor which in the careful and deliberate judgment of the court shewed that he was no longer fit to be trusted to the almost infinite extent to which a solicitor was trusted by his clients. If so, the court was bound to say so and to punish the solicitor. No doubt there were many offences against morality which would not affect the certainty that a solicitor would act honestly, but directly it appeared that he could not withstand temptation either as to money or giving truthful advice, then he was no longer fit to hold the high position which he occupied as an officer of the court, and to obtain the confidence which was reposed in him by the public in right of that position." Again, in a case in which a solicitor induced a client to entrust him with money on the faith that it was to be secured on a particular property, the court, whilst saying that it was a case in which the solicitor could not have been indicted for obtaining money under false pretences, went on to say: "A solicitor is an officer of the court. He is authorized on behalf of the court to transact business for the suitors in court, and it is absolutely necessary that the court should exercise a careful supervision over such persons in the interest not only of the public, but of the body of solicitors, and it is a duty which the court owes to the great body of solicitors to weed out members who shew themselves unworthy of the confidence which the court invites the public to put in them." In another case, a solicitor reported against by the committee took the point before the court that he had been previously sued for the money, had given an undertaking to pay it, and, in consequence of not complying with the undertaking a writ of attachment had been issued against him. Lord Coleridge, C.J., said: "This is not a matter between A. and B. Solicitors are officers of the court; the court gives them the credit they possess, and people are obliged to a large extent to trust them. The respondent received the money for a particular purpose, asked for permission to apply it for a different purpose, leave to do so was refused him, he then deliberately misappropriated the money. A person guilty of such conduct cannot remain on the roll." In another case before the Court of Appeal in 1893, Lord Esher in his judgment said: "Now we have arrived at a time when there is a great deal of speculation and temptation to people to misuse money if they have it in their hands, nor does this temptation less affect solicitors than other people, on that ground, therefore, the court is bound to be more strict than it was formerly in seeing that solicitors do not yield to a temptation which is more frequently before them. Now, this is a case in which the commonest honesty as a solicitor required that he, knowing himself to be in great difficulties, should take extreme care that if money of a client came into his hands he should at once pay it over, instead of which, yielding to the temptations of poverty, he misappropriated it." In the same case Lindley, L.J., said: "The important, perhaps the most important, part of a solicitor's business is to receive other people's money. Money must pass through his hands, and if it is once proved that a solicitor is not fit to be trusted with other people's money, he is in my judgment unfit to remain a solicitor." In a case in which a solicitor had paid a client's money into his own banking account before bankruptcy proceedings had been instituted against him, Wills, J., said: "I do not want to set up an impossible standard for carrying on business. It is, I suppose, the practice of solicitors to place the moneys of numbers of clients in one account, but they do so at their own risk. If they do so when they know from their acquaintance with their own affairs that they are

jeopardizing their clients' money, it is a very grave affair. He paid this money in after bankruptcy proceedings had been commenced against him. I should have regretted it very much if the Law Society had not considered this professional misconduct." In a case in which a solicitor had allowed trustees for whom he acted to leave money which they ought to have invested, in his hands without advising them that this was a breach of trust for which they would be responsible, and he failed, and the money was lost, the judge said: "A solicitor ought always to make his clients fully acquainted with their legal position. The committee have found that the trustees did not know that they would be responsible. The money was lost because the solicitor, owing to the depression in the value of land could not make it good, and not through any extravagance on his part." The solicitor was suspended from practice for a term. In a case before Lord Russell, C.J., he said: "In my judgment, the greater the confidence reposed by the client in the professional man, the less insistence the client puts for his own protection upon the safeguards that caution and experience might suggest, the greater is the obligation of the solicitor who has such a client to be perfectly straightforward and to conform to the highest standard of professional conduct." In another case, in which a solicitor has received money to enable him to settle a claim due from his client and had misappropriated the money, Cave, J., said: "In most civilized countries this would be a criminal offence. If it is not so here, it is because of the way the criminal law has been built up, and because it is a thing of shreds and patches, but we think the roll should be purified of persons who commit these small frauds." In many of these cases, although the solicitor had kept clear of the criminal law, he has been punished, and the public has been protected against him by his being prohibited from practice either altogether or for a term. Where the affidavit discloses a case which does come within the criminal law it has been arranged that the papers should be at once sent to the Public Prosecutor, and if he thinks it a case in which he can prosecute the Committee is to take no further steps in the matter. If the prosecution is successful the society can apply to strike the solicitor off the roll; if it is unsuccessful the complainant can bring the matter again before the committee, who will then proceed to hear it and report. In conclusion, I would say that it is no part of the object of this paper to defend the committee from the criticisms it has been subjected to, except so far as this may be done by shewing, as I think I have shewn, that they are prohibited by the objects for which they were called into existence from taking the initiative in proceedings of any description.

P.S.—Most of the facts and the cases above referred to I am familiar with, having served on the committee for several years and having been its chairman from 1891 to 1893 and holding that office again now, but I ought not to omit to acknowledge the great assistance I have received in preparing this paper from the book published on the subject by Mr. Trevor, and the late chairman of the committee.

Mr. GRIFFITH (London), referring to a case cited by Mr. Hunter, where Mr. Justice Wills had held that a solicitor who had not paid over money was not guilty of professional misconduct, said that, the president had suggested that the Statutory Committee should have power to suspend a solicitor from practice who was guilty in this respect, but he (Mr. Griffith) was rather doubtful whether it would be desirable to give the committee that power, their duty being merely to clear the profession of unworthy members and not in any way to assist in recovering money.

Mr. HUNTER pointed out that the case he had quoted as coming before Mr. Justice Wills had occurred a good many years ago, and he had quoted several other cases which took a different view.

Mr. W. MELMOTH WALTERS (London) said it came to this, that mere non-payment of money was not considered a sufficient offence to justify striking off the roll. He thought it would be very useful if the Statutory Committee could be entrusted with the power suggested, but there would be jealousy on the part of the bench as to delegating strictly judicial powers to the committee.

Mr. McLELLAN (Rochester) moved a resolution to the effect that the Council be recommended to take into consideration the expediency of promoting legislation for the amendment of the Solicitors Act, 1888, as suggested by the president in his address.

Mr. GRANTHAM DODD (London) seconded the motion.

Mr. J. WREDFORD BUDD (London) thought it was a question whether the committee should be charged with dealing with the civil remedy. It would be very inconvenient and inexpedient that they should be entrusted with the recovery of money due from solicitors to their clients.

Mr. MORTON (Manchester) thought it no part of the province of the Statutory Committee that they should be given the duty that was suggested.

Mr. COOK thought the matter should be dealt with by suggestions from the Council as to keeping the money of solicitors and their clients separate.

The PRESIDENT suggested that no resolution should be passed. The discussion would be useful. They all felt that there might be cases where there was a reasonable explanation for not paying, but there were cases where there was no adequate excuse, but advantage was being taken of the existing practice to delay the payment of money. Understanding that to be the sense of the meeting, he thought all had been done that could usefully be done to-day. He thought they might, without passing any formal resolution, leave the Council to think out the best mode of procedure.

The resolution was withdrawn.

COUNTY COURTS.

Mr. GRINHAM KEEN (London) said the president had dealt with the subject of county courts. The position of the county courts was a very anomalous one. For six years the County Courts Committee had been engaged to get certain reforms and nothing had yet been done. He did not

quite agree with one remark of the president's address as to county courts, where he said that the question resolved itself into one of policy, whether their efforts should be directed to increasing the jurisdiction, or to obtain by one comprehensive measure the desired increase in jurisdiction, and the necessary improvements in procedure. He was in favour of going for the Bill and of bringing it in again and again. If they got increase of jurisdiction it would be imperative that the whole thing should be altered, but it would not be unless they kept on introducing the same Bill again and again. The committee had unanimously resolved to go for the whole Bill.

Mr. C. B. O. GIFF (Chelmsford) said there was considerable feeling in the country that the county courts were not all that they should be. The judges were local men and subject to local prejudice. In great centres there were often very able men, but in the smaller places they, generally speaking, got the failures at the bar. Often the judge could not grasp the facts.

Mr. KEEN said the opinions he had expressed were those of the great mixed committee appointed at one of the annual meetings.

NEXT YEAR'S MEETING.

Mr. HARVEY CLIFTON (London) suggested that next year's meeting should be held in London. The London solicitors had accepted the hospitality of the provinces for many years, and it was time they returned it. Next year Sir Henry Fowler would be president, and the new century might very well be started by carrying out his suggestion.

THE SOCIETY AND ITS WORK.

Mr. W. P. FULLAGAR (Bolton) read the following paper, entitled, "Our Society—Its Work, Position, and Benefits":

De Quincey in his essay on "Murder as one of the Fine Arts," describing the effect of the panic caused by the terrible murders in the Ratcliff highway seventy or eighty years ago, mentions that one lady whom he personally knew, living at the time with a few servants in a very solitary house, never rested until she had placed eighteen doors, each secured by ponderous bolts and bars and chains, between her own bedroom and any possible intruder! As a boy, I well remember the panic which was caused when a clergyman in Surrey was shot dead by a burglar, and how every paterfamilias forthwith provided himself with a revolver under the evident idea that burglary and murder were becoming rife in the land. Later on, we all recollect the scare caused by the "Jack the Ripper" murders, and by bank and other frauds and failures, which from their magnitude and suddenness have seemed to put the public mind for a time out of gear, and to destroy all ordinary level-headedness. When these things happen the public cry out for someone or some system to be blamed, and are ready with every possible or impossible suggestion which, if acted upon, is to afford an unflinching preventive of the mischief in the future. The public press readily take up the cry, and their columns teem with startling articles and are thrown open to every scribbler, anonymous or otherwise, who has a crotchet or grievance to air or a suggestion to make. The nine days elapse and the excitement subsides. People begin to feel satisfied that they are not going to be murdered or robbed wholesale, and that there is still some safety and honesty in life, and so things resume their normal state until some fresh calamity creates another upsurge. It may be, and no doubt often happens, that good comes from these excitements. Some weak point or other is shewn up and remedied and some salutary lessons are learned. It is through one of these panics that our legal profession, and especially our society, has been recently passing. By what I may alliteratively call a concatenation of coincident circumstances, there came to light within a very few months several serious and distressing instances of fraud and failure amongst legal firms and solicitors who had hitherto enjoyed the full confidence of the profession and of the clients for whom they acted, and in consequence the sort of public panic which I have above described set in. Strong articles appeared in the leading papers reflecting in no measured terms upon the iniquities which had been disclosed, and at the same time suggesting that the whole profession must be affected by similar rottenness, and that our society had grievously failed in its duties to the profession and to the public at large. The usual string of scribblers who seem always ready, if opportunity offers, to gird at the society and its Council, poured out their grievances and crochets in long letters to the papers. They suggested what in their opinion the Council could have done—ought to have done—might have done, and had not done—to prevent the occurrence of such frauds, and remedies of the most extraordinary and impossible kind were proposed on all sides. The main thing which seemed to characterize many of the press remarks and correspondence was a striking ignorance of the true position and powers of the society. It therefore appeared to me a useful opportunity for reminding the public and ourselves of our real position. I propose, then, to touch briefly upon the aims and objects of our society, and the benefits which the experience of its past work promises to its members, and to submit a few comments and suggestions upon the various prescriptions and nostrums which have been so lavishly paraded for our benefit in our recent difficulties. I shall ask you to take what I say as the candid expression of a country member, who, without being what Mr. Ford describes as "a highly placed solicitor" (or even an Ely-placed one), has the interests of the profession and of our society most warmly at heart. As to any historical facts connected with the society, I cannot of course (except by way of reminder) add anything to what was contained in Mr. Godden's admirable paper read at Liverpool in 1895. We are told in our useful handbook that so far back as 1739 there existed a Society of Gentlemen Practisers in the several Courts of Law and Equity which at its first meeting "declared its utmost abhorrence to all male and unfair practice," and took measures to detect and discountenance the same. In 1825, through the exertions of Mr. Bryan Holme and others, the Law Institution was established, and in 1831 the committee of

management were able to offer to the members as their own hall the buildings in Chancery-lane now enjoyed by our society. The committee were fortunate in their first secretary, Mr. Maugham, and I think you will agree with me that this good fortune has been continued in his successor, Mr. Williamson, whose zeal and services we all so cordially appreciate. It is interesting to note that the first idea was to use the hall as an exchange where attorneys, solicitors and proctors could congregate for business purposes, but this plan was never carried out. The same idea occurred to the solicitors in Manchester a few years ago, and a room was hired where at certain hours the members of the profession could find one another for the arranging of mortgage securities and other business, but after a few months' trial it was found not to have "caught on," and was prudently dropped. With the acquisition of the Chancery-lane premises came the starting of the valuable library whose volumes at the present time exceed 35,000 in number. In 1831 a Royal Charter was granted to the institution, and in 1845 this was surrendered for a new one and a change of constitution was carried out, and fresh bye-laws were framed. The charter of 1845 was amended by a supplemental charter in 1872, by which the number of the Council was increased, and power was given to select as extraordinary members of the Council certain presidents of provincial law societies. The charter, after reciting that it was expedient that the whole capital and possessions and the rents and income of the society should be applicable to the general purposes of the society in promoting professional improvement and facilitating the acquisition of legal knowledge, constituted the members into a society, and, after giving powers to acquire land or funds by purchase or otherwise, directed that the management should be vested in a president, vice-president, and Council of not more than thirty nor less than twenty members, and gave rules for their election, for holding general and annual meetings, the making of bye-laws, &c. Two provisions in the Charter should be especially noted. The one (Clause VI.) is a declaration that in case any member of the society should in consequence of the order of any court of competent jurisdiction be rendered incapable by reason of malpractice or other professional misconduct of practising in the Courts of Justice, such person should cease to be a member of the society. The other (Clause XI.) gives to the Council the sole and entire management of the society and of the income and property thereof for the uses, purposes, and benefits of the society. The bye-laws of the society seem to embrace clearly and well all matters which are likely to arise. The times prescribed for notices of meetings are sufficiently long and the rules of debate, if strictly observed, are excellently framed to prevent tedious and unruly meetings. They also give to the Council absolute power over the buildings and their use as club rooms or for other purposes. Some of the beneficial results which followed upon the establishment of the society may be now briefly noted. Prior to 1836 the only evidence or test of fitness for entering the legal profession was evidence of due service under articles and of character. The society, in the first place, instituted lectures and then obtained judicial sanction to the establishment of a legal examination, and this was subsequently enlarged to the three examinations which are now necessary. In 1877 the entire practical control of these examinations was placed by statute in the hands of the society. An Examination Committee was appointed by the Council, and a staff of paid assistant examiners was secured. The Act which enabled these important changes originated with the society. These improvements were further supplemented by the establishment of a system of lectures and law classes, which have proved most useful. To the society also are mainly due the various Acts specially affecting solicitors which were passed in 1843, 1860, 1870, 1874, 1877, 1881, 1888, and 1894. By the Act of 1874 the society acquired the important right of being heard on all applications for removal of solicitors from the roll. Again, in 1888 the society secured to themselves the entire control of the roll of solicitors, of the registration of articles of clerkship, of the admission of solicitors and renewal of certificates, and of all applications affecting the conduct of solicitors (which had previously been in the hands of the Petty Bag Office and of the masters of the court). The Solicitors' Remuneration Act was also in a great measure due to the exertions of the society. The Council have always shown a warm interest in current legislation about matters and questions affecting the interests of the profession. Through their intervention grievances have been remedied and improvements effected, and much has been accomplished for the benefit of our general body. It should also not be forgotten that to the society's persistent efforts for a period of over forty years must in a great measure be attributed the consolidation of the Courts of Law. The society supported the choice of the present site, and, after years of opposition and difficulty, gained their point and saw the Courts of Justice opened in 1882. I would also commend to the notice of our members the properties, securities, partnership and clerkship registers of the society, which are well worthy of an enlarged support. A registry on somewhat similar lines formed part of the original scheme of the society in the year 1832, and it was revived by the Council in 1888. I understand that very many large and important mortgage and other transactions have been initiated and carried through by means of the registry, and the Council desire that its operations shall in the future be materially extended, especially among country members. With regard to law reform, it would be impossible within the limits of this paper to enumerate the many occasions and ways in which the society have from time to time taken a most important part in the framing and consideration of current measures. Suffice it to say that during the last fifty years there has been no measure involving any material change in our system of law which has not received at the hands of the Council the most careful attention, and upon them and their exertions the ultimate fate and form of such measures have often mainly depended. I say, further, that, apart from and beyond all these important functions, the fact that we, as members of the society, can turn for help and direction in questions of practice,

etiquette, and such like to a body of such experience and responsibility as the Council should of itself commend the society to the support and favour of every member of the profession. It should also be borne in mind that our president for the time being is now a member of the Rule Committee of the Judges. This is of itself a valuable recognition of the society's importance, and gives it a voice in all proposed changes in legal practice. Our handbook well points out that the society's work is not to stand still, and that it cannot rest and be thankful. *Qui cessat esse melior, cessat esse bonus* is as true of societies as of individuals, and we therefore look for its work in the future to be an ever-increasing power of usefulness. I submit that these records of the past amply and conclusively show that the society and its Council have been a bulwark of strength and advantage to its members and to the profession at large. What, then, are the complaints, criticisms, and suggestions which have been pouring in from many quarters, and which we will now briefly consider? In the first place, it is complained that the society or their Council have not been willing enough to follow up and "prosecute" cases of fraud which have come before them, and that they have been too lax in their treatment of defaulters. I am at a loss to know upon what evidence this complaint is founded. The statistical returns shew that the number of complaints brought before the Council annually have been very small. We may, I think, be satisfied that they are all carefully investigated, and it appears that upon investigation a large proportion have turned out to be frivolous. Where it was necessary, the matter has been brought before the courts, and the list of defaulters who are punished, and whose names appear every term in the Times Law Report as struck off the roll, is surely sufficient evidence that cases of fraud, if proved, are properly dealt with. I entirely disagree with the idea and suggestion that upon our society should be thrown the odium and expense of prosecution. By all means let them investigate any charge which is made, but if it is proved and is a case calling for further measures let them hand it over to the proper prosecuting authority. The Statute Law, especially if it be strengthened by the amendment of section 75 of the Larceny Act, 1861, will be strong enough to deal with all possible cases of fraud. There might be some ground for throwing the onus of prosecution upon the society if membership were compulsory upon every member of the profession, but even then I agree with those who think that the whole practice of private prosecution (whether by an individual or by a body of individuals like our society) is a relic of barbarism, in accordance with which a person against whom an offence is committed is supposed by way of vengeance to put the criminal law in operation against the offenders. I therefore regret the terms of the resolution as to prosecutions contained in the recent report of the Special Committee, and can only hope that, as they are not pledged to any action other than communicating with the Public Prosecutor, they will in all cases limit themselves to this course. The *Law Journal* [Qy., Solicitors' JOURNAL] in an able article on the 21st of July last pointed out the risks and dangers into which the society might be landed by the wording of this part of the report even upon the most limited action. Another matter of complaint is that the Council requires "new blood" upon it, and that its present members are by age fettered with prejudices and are unable to appreciate the importance of reform. For my own part I wholly traverse this statement. As a fervid orator once exclaimed, "I deny the allegation and refute the allegator!" The records of the past shew that the Council have not only always displayed an unfettered judgment, but have proved themselves ever ready and willing to promote and assist every useful reform, and I would rather have a Council with the weight which we may expect from our seniors in age and experience than trust the affairs of the society to the care of younger men. Speaking as a country solicitor I feel bound to remember that the country members of the Council must necessarily be, as a rule, younger men, as they alone are likely to undertake the trouble and fatigue of attending frequent meetings in London. Then it is suggested, by way of complaint, that the number of country solicitors on the Council is too few, and also that the Council in filling up vacancies practically co-opt its own members. I cannot see how you can expect from many country members the time and power to devote themselves to the work of the Council in the only way which could be useful—viz., by constant and regular attendance at the meetings. Is it not also a more safe and satisfactory way for us to accept the guarantee of fitness of a candidate which his nomination and support by the president and Council, and by the provincial law societies, afford rather than vote for the "new blood" candidates (or "outsiders," as they style themselves) whose only recommendation as a rule seems to be either a desire for self-advertisement or a disposition to create mischief by foolish and unpractical suggestions? We have, I think, only to look at the correspondence, anonymous and otherwise, with which the papers teemed a few months ago to be convinced of the pitfalls we must beware of before we favour the candidature of men of this stamp. From year to year attacks are made at the annual meeting by some "hardy annual" on the accounts as presented, but they generally fail to secure the support which any matter of substance would assuredly command even from us, careless, easy-going solicitors. In this and previous years the relations between the society and the Law Club have been severely criticized, and at our last meeting a resolution moved by Mr. Hastie, with the object of determining our connection with the club, was received with acclamation by a large number of the persons present. I certainly was not impressed by the arguments adduced in favour of the resolution, and it seemed to me to be merely an attempt by members who did not belong to the club to alter a state of things from which the society was suffering no practical loss or injury, but rather the contrary. I feel rather inclined to accept the statement of Mr. Walters, that the existence and present position of the club is of benefit to the society by preserving interest which without it might drop or diminish. As to the outcry for luncheon rooms or refreshment bars in the institution there

seems no real need for them. If established, few country members would probably use them, and most of us are, I think, quite content with the privileges which the buildings now afford as a house of call and meeting, and where we can always enjoy the benefits of a good library and reading-room. Let me now briefly glance at some of the suggestions for reform which the unfortunate circumstances of a few months ago have brought to the front, and at the remedies by which the press, the public, and even members of our own profession would have us believe that the evils from which we are suffering can be stamped out. Don't let us, however, forget that, although there may have doubtless been needless panic and outcry, there do exist many serious matters in connection with our profession which call for our earnest and careful consideration. It may be that the percentage of fraudulent solicitors in the past, and even at the present time, has not been and is not large, but it is no less an unpleasant fact that we can seldom take up a newspaper without being met by what an evening edition not long ago headed as "The Usual Paragraph"—viz., the prosecution of a solicitor for fraud. There are, of course, big frauds and little frauds, and I think you will find if you carefully study the facts that as a rule the cases lie mainly between two classes of legal practitioners. On the one hand there are those who start with no capital, and from their previous career and training with rather hazy ideas of moral and professional requirements, and who are easily tempted by force of circumstances to use for the everyday expenses and necessities of business moneys paid and entrusted to them for special purposes. A frequent example of this class is the man who from being an ordinary writing clerk has had his articles given to him in return for services rendered, and who, having passed his examination, starts at once to try his luck in competition with (and often at the expense of) his late master. The other class of defaulters will be found to be the men who, although in good position and practice, are too eager to get rich and who, forgetting the old and excellent saying, *Ne sutor ultra crepidam*, go outside their professional work and try to increase their income by financing public companies, builders, &c., and other singularly speculative undertakings. About these men there is not, at any rate at first, the fraud of *malice prepense*, if I may use the term. They do not start with the idea of defrauding anybody, but merely with the hope of making money for themselves and those who are interested with them. Unfortunately these transactions are seldom a success, and they require a great amount of ready cash, and so, when times of pressure come, the temptation is so easy to make a present use of all moneys under their control, with no doubt the fullest intention of replacing the amounts so used when the turn of luck comes. Of course, morally both classes of defaulters are equally wrong; but, in considering the remedies for fraud and defalcations which have been or may be suggested, it may be interesting and instructive to keep the difference between the two classes in mind. The remedies which ready critics in the public press have put forward seem to resolve themselves into the following:

(1) It has been suggested that the evil effect of future defalcations can be prevented by raising, through a capitation fund of (say) £5 a year, a guarantee fund of perhaps £70,000 a year, which should be available to make good losses arising from fraudulent solicitors. In other words, it is proposed that at the expense of the solvent members the insolvent should be encouraged to struggle on long after they are really bankrupt, and to lay the flattering unction to their souls that it did not matter, as their clients could not ultimately suffer!

(2) Another suggestion is that those solicitors who will regularly employ auditors to prepare balance-sheets, and will from time to time sign statements proclaiming themselves solvent, shall have a special mark of good conduct against their names in the Law List. Of course, if this plan were adopted it would be necessary for the society to notify yearly to the general public (either by a free distribution of the Law List or otherwise) the names of these good boys in the establishment.

(3) The *Times* made a further suggestion, that there might be forwarded to clients automatically, at comparatively short intervals, certificates of independent accountants as to the securities entrusted to solicitors for safe keeping. But why should solicitors be called upon to do anything of the kind? The idea presupposes that solicitors are desirous of keeping the deeds and securities of their clients, and that they profit by doing so. This seems to me as much a fallacy as the impression that we are anxious to be appointed trustees. We naturally are always willing to fall in with a client's wishes on the subject, but at the same time those who appreciate the responsibility of having the custody of valuable securities, and the usually thankless and unprofitable nature of a trustee's office, will agree that if such matters are, for the convenience of the public, undertaken by solicitors, we can hardly be expected to incur expense and trouble in assuring our friends from time to time that we are still honest and trustworthy.

(4) It is further proposed that our society should take steps to prevent its members from entering into improper financial operations, and that for this purpose they should be clothed with investigatory and suspensory powers. In other words, the society or its Council are to become a sort of modern *schlichter* or inquisition upon its members, with full inquisitorial powers to examine persons and books, and to put their veto upon every doubtful transaction.

(5) Another writer to the *Times* would make it incumbent upon a solicitor trustee that he should have the trust accounts audited yearly by an accountant, and that such audit and the production of the accountant's certificate approving the accounts should be a condition precedent to charging profit costs.

(6) One other suggestion which is put forward by a solicitor in the neighbourhood of Bedford-row is that, before a solicitor is allowed to take out his annual certificate he should file a statutory declaration stating that he is absolutely solvent, that he has never committed an act

of bankruptcy, that all his clients' moneys and securities are intact and are kept separate from his own, that he keeps proper books of account, which are open for inspection by the Council's accountant, and that he prepares once a year a complete profit and loss account.

The perusal of these various suggestions recalls to mind the rule which prevailed in the old Greek State of Locri, to the effect that whoever proposed a new law should do so with a rope round his neck, and then, if his proposal were rejected, he should be strangled on the spot! I am afraid that if the above suggestions were, one and all, put to the test of the good sense and judgment of the profession and their authors were dealt with under this law there would be busy work for the public hangman. They seem to me to be entirely unworkable and unnecessary. Many of them, if carried out, would sap the very foundations of mutual trust and confidence, which, when all is said and done, are and will ever be the mainspring and only true basis of satisfactory relationship between solicitors and their clients. Far better will it be for our profession, instead of accepting these nostrums and quack prescriptions, to trust that the present state of sickness will disappear under the simple remedy of the lonely shepherd, who living in the hills, miles away from any dwelling, being asked by a doctor how he managed in time of illness, replied in good faith, "Why, sir, we don't have no doctor; we just die a natural death!" I am not going to risk the fate of a citizen of Locri by suggesting any similar remedies. I have still great faith in our ancient and honourable profession, and in spite of our recent troubles and the constant reminders which are brought home to us that we have black sheep in our midst, I am loth to believe that the public have lost or desire to take from us their confidence, provided that we are careful to observe a few simple rules. It is all-important that we should pull ourselves together and act and speak more in concert than we have done in the past, and it is for this purpose that the true value of our society shows itself. If it did nothing more than form amongst us what the Americans call a "link of betweenness," its influence and importance would be great and appreciable, but it does far more than this, and it enables us by cohesion and joint action to exercise a powerful influence in all matters affecting the legal world. As Mr. Godden said in 1895: "Every consideration of private and public interest and of honourable pride in belonging to a liberal profession should induce all solicitors to join who have not yet become members." For my own part I should like to see membership made compulsory upon the profession, and I believe that provincial societies would flourish better as branches of the society than as separate units. If, however, compulsory membership is at present impracticable, I would heartily re-echo Mr. Godden's appeal that every member of the profession should join our ranks. I would further plead for fullest confidence in our Council as it is now constituted. Its past record seems to me to testify strongly to the desire of the members to imitate the example of the country mayor who on taking office announced that he intended to be "neither partial or impartial, but to act justly to all." Let us remember that as a profession we have and ever shall have a difficult and arduous position to maintain in the eyes of the world. The echoes of the old curse, "Woe unto you, ye lawyers," still cling about our footsteps. The public have little goodwill towards us, and rather endure us as a necessary evil. Even those from whom we might have fairly expected support and friendship, and who practically owe to us their present high and lucrative positions in life, too often prove more than ungrateful, and seem to delight in launching their thunderbolts at that unfortunate and unimportant individual, who is merely the solicitor on the record. There is a world of irony, I think, in the title of a book to be seen at our railway stations, "*Law Without Lawyers*," by Two Barristers." We all know the reputed fate of a man who is his own lawyer. Surely we should consider with becoming awe to what that fate would develop if the public were left to the guidance of "*Two Barristers*!" Let us, however, take heart. The kickings and pummellings and plausible suggestions of the last few months will, I believe, do us no permanent harm, especially if they strengthen us to be firm to at least the three following rules:

(1) Let us absolutely refuse to embark in any business or financial undertaking of a speculative character outside our own profession.

(2) Let us never be tempted to mix with our own cash the smallest portion of moneys belonging to our clients, but let the latter moneys be strictly kept to a separate or suspense account.

(3) Let us absolutely refuse to give articles of clerkship to, or to receive as an articulated clerk, any man whose position, education and general character make it doubtful whether he will properly fulfil the high and honourable requirements of our profession.

If these rules were strictly adhered to we should, I believe, hear of very few disastrous frauds or failures. Let us also remember that it is not so much these occasional and startling frauds which are most injurious to their effects; it is rather the everyday failures by men professing to be honest and honourable practitioners, to observe amongst one another and towards the public at large the thousand and one little rules and lines of straight dealing and professional etiquette, which bring us into bad odour and impair our influence for good. As Bishop Creighton said the other day, "the past shewed that it was not the faults of bad men but the limitations of good men which had done most harm in the world." Let us therefore beware of the minor limitations of good and of the smaller deviations from the straight course of honour and integrity in which we are expected to walk. It would no doubt be a grand thing if the exigencies of life did not compel us to remember that there were such things as costs and scale charges, and if our reward for work was merely in the nature of an honorarium which a grateful public might pay if it liked and the loss of which if not paid we should not feel. This side of the millennium I fear that such a free and unfettered condition is

not to be expected. It behoves us, therefore, whilst we have interests and pockets to look after and protect, and so long as we desire to exercise the power and influence for good which a great and honourable profession like ours ought to exert on all sides, to endeavour more and more to strengthen and to keep up the strongest possible *esprit de corps*. The higher and wider view we take of our position and duties in this respect the more hopefully I believe may we look forward to a no very distant date when the ranks of our society shall embrace the whole of the profession and when we shall be able to speak for purposes of reform, of protection, and of defence with a far more united, and therefore a far more effective, voice than at present we are able to do.

Mr. HARVEY CLIFTON said he disagreed with everything contained in the paper. He traversed a great many of the statements made in it.

Mr. BUDD thought it would be well that the fee payable in taking out practising certificates should be increased, and that the solicitor should thereby become a member of the society.

Mr. HENRY MANISTY (London) said that in proposing members to fill vacancies on the Council the Council were but pointing out the best men in their opinion for the purpose. If others were elected they would always be received with great cordiality, but there must be some method of indicating who were the proper persons, as Mr. Addison had so well pointed out when he was president. With regard to young men coming upon the Council, he pointed out that they would be quite unable to devote to the duties the time that was necessary. The Friday Council meeting was but a small matter. There were committees. The members of the Council living in London had usually to spend a considerable portion of their time on three days out of the week at the Law Society, whilst the work of the president was such that he must practically neglect his own business during the year of office. Few young men could afford to do that.

Mr. MELVILL GREEN (Worthing) thought that the following paragraph ought never to have been written and should be expunged: "Is it not also a more safe and satisfactory way for us to accept the guarantee of fitness of a candidate which his nomination and support by the president and Council, and by the Provincial Law Societies, afford rather than vote for the 'new blood' candidates (or 'outsiders,' as they style themselves) whose only recommendation as a rule seems to be either a desire for self-advertisement or a disposition to create mischief by foolish and unpractical suggestions?" He also suggested that there should be some plan by which the older men should retire from the Council so as to have a larger number of young members upon it than was at present the case.

SOCIETY'S REGISTRY.

Mr. GRINHAM KEEN referred to the society's registry, in which he said he had always taken a great interest. The society were very instrumental in getting the Solicitors' Remuneration Act passed, but the scale put forward by them was not adopted, the North of England scheme being substituted. The solicitors, it was said, were to conduct sales and do other work, but that had all proved a dead letter. Then the Council had started the society's real property registry, and he was sure that if the profession would make use of it they would find it greatly to their advantage as well as to that of the public, as there would be only one man to do the business and it would be done with the greater expedition. It had been very largely supported but it ought to be still more largely supported. He had before him two examples of business actually done last year and this year on the register. In one case a firm wrote that with respect of an entry they made for a mortgage of £60,000 at 3½ per cent. it had resulted in the loan being successfully carried out. In the other a firm wrote to say that they had during the last eighteen months effected through the registry fourteen transactions amounting to £113,450.

A MEMBER: Was that London or the country?

Mr. GRINHAM KEEN: London.

ANCIENT LIGHTS.

Mr. E. K. BLYTH (London) read the following paper entitled "Ancient Lights, considered Ethically and Practically":

There is a rule of the law of England, resting upon statutory authority since 1832, which does not exist, so far as I am aware, in any other country. It differs from that of continental nations; it has never been adopted for Scotland; and it has been considered and rejected in the United States. It is the rule by which, if a man builds a house with an aperture in the side wall overlooking the property of his neighbour, that aperture becomes in twenty years an "ancient light," and the ordinary legal right of the adjoining owner to build on his land or to heighten existing buildings is thereby curtailed. Even although the house may have been uninhabited, or the aperture not completed as a window (*Courtauld v. Legh*, L. R. 4 Ex. 126; *Collis v. Laugher*, 1894, 3 Ch. 659), the neighbouring property is held to become servient to the extent that its owner may not construct any building which blocks up or interferes with the access of light to the aperture. This rule, interfering as it does very materially with the construction of buildings in populous cities, has been the subject of frequent attack at meetings of architects and surveyors, but has never, I believe, been the subject of discussion at our meetings. It has therefore seemed to me desirable to lay before you the law relating to the subject as concisely as possible, and to consider the justice of the law viewed theoretically, and its effect considered practically. The rule is comprised in the third section of the Prescription Act, 1832 (2 & 3 Will. 4, c. 71), by which it is enacted, "That when the access and use of light to and for any dwelling-house, workshop, or other building shall have been actually enjoyed therewith for the full period of twenty years without interruption, the right thereto shall be deemed absolute and indefeasible, any local usage or custom to the contrary notwithstanding, unless it shall appear that the same was enjoyed by

some consent or agreement expressly made or given for that purpose by deed or writing." The right obtained under this section is called a negative easement—that is, not one by which the dominant owner is entitled to do something on the servient estate, but one by which the servient owner is, for the benefit of the dominant owner, restrained from doing something on his own land. The section differs materially from sections 1 and 2, which relate to affirmative easements. It will be desirable, therefore, to compare it with the provisions of those sections. Section 1, which relates to rights of common and profits *à prendre*, provides that where they shall have been actually taken and enjoyed without interruption for thirty years, they shall not be defeated by shewing that such right or profit was first taken or enjoyed at any time prior to that period. And further, that when such right or profit shall have been taken and enjoyed for the full term of sixty years, it shall be deemed absolute and indefeasible unless taken and enjoyed by an agreement expressly given by deed or writing. Section 2, which relates to ways or other easements (except light), and to watercourses or water rights, contains similar provisions, except that the period of prescription is fixed at twenty years, while the period at which the right becomes absolute and indefeasible is fixed at forty years. There are three other sections which should be considered in connection with the first three—viz., section 4, which provides that an interruption to be valid under the statute must be for one complete year; section 7, which provides that time shall not count against a person who is an infant, idiot, *non compos mentis*, *feme covert*, or tenant for life, except where the claim is declared to be absolute and indefeasible; and section 8 (relating only to ways, watercourses, and water rights), which contains special provisions for the protection of the owner of the servient tenement in the case of a tenancy for life or years. I may mention here that the courts have held that the interference with the access of light must be substantial, and not merely trivial, a provision which has been substantially defined in a recent case (*City of London Brewery Co. v. Tennant*, L. R. 9 Ch. App. 212) by Lord Selborne, who held that the erection of buildings coming within an angle of 45° from the ancient light is *prima facie* (though not as a positive rule of law) an obstruction which the court will restrain by injunction. There is a remarkable difference in the manner in which the statute treats affirmative and negative easements. Although the first and second sections treat thirty years and twenty years respectively as the periods in which the rights dealt with by those sections may be gained against the owners of servient tenements who are *sui juris*, yet those periods are suspended in favour of owners under disability, and the prolonged periods of sixty and forty years respectively are prescribed before those rights become absolute and indefeasible, so as to bind the persons under disability mentioned in section 7. But as regards easements of light, no suspension of time or other protection is provided for such persons. The easement becomes absolute and indefeasible in twenty years, even though the owner of the servient tenements may be under disability. In fact, the acquisition of the right becomes a certainty after nineteen years and one day when a complete years' obstruction has become impossible, although it is not enforceable till the end of the twentieth year: *Bridwell Hospital, Governor of v. Ward* (62 L. J. Ch. 270); *Lord Battersea v. Commissioners of Sewers for London*, 1895, 2 Ch. 708. Similarly, the protection of reversioners against an indefeasible right being gained during a tenancy for life only applies to affirmative easements, but does not exist with respect to light. A reversioner may, consequently, lose his proprietary right of building on his land during the existence of a tenancy for life (*Frescon v. Phillips*, 11 C. B. N. S. 449), although an affirmative easement cannot be so acquired against him (*Bright v. Walker*, 1 C. M. & R. 422). A similar rule applies where the threatened tenement is in the possession of a tenant. Prior to the passing of the Prescription Act the courts had held (*Daniel v. North*, 11 East 370) that a presumption of a grant of right of light could not arise against an owner if the user had taken place during the occupation of the *locus in quo* by a tenant. But even this rag of protection for landlords was swept away by the Prescription Act, and it has since been decided that even in that case an easement of light would accrue against the landlord. The law is thus stated by Lord Hatherley (*Ladyman v. Grace*, 6 Ch. App. 763): "If the owner of the adjoining land has leased his land for a period of twenty years, and the tenant in possession declines to allow him to take any steps by which he can arrest the growing right of his neighbour, then that landlord would be completely debarred of his right, although he had no power of interfering in the matter." How then can a landowner who is threatened by the action of his neighbour in building a house with windows overlooking his land protect himself? The only exceptions contained in the statute are first, interruption—that is, physical interruption; and secondly, the existence of "some consent or agreement expressly made or given for that purpose by deed or writing." The latter part of the proviso practically assumes that the owner of the tenement, which under the statute is in course of becoming a dominant tenement, entertains a higher idea of what is right and just to his neighbour than is contained in the statute. If he does so, he may accept a consent or sign an agreement in writing prohibiting himself from gaining an easement. But the law does not require him to do so, and if he refuses, the owner of the adjacent land is at his mercy. The threatened landowner cannot protect himself by the service of a notice protesting against the invasion of his legal rights of ownership. There is, in fact, only one course he can adopt. He may, in anticipation of the probability that he may require to build on his land at a future date, erect either a wall or screen of boards against the windows of his neighbour. If he keeps it there for a whole year he will have secured the right to build up to the height to which the screen has been erected, but no higher. Rarely, but very rarely, is this remedy adopted. There are one or two cases reported in which railway companies have adopted it to prevent

adjacent owners obtaining easements of light over their railway: *Norton v. London and North-Western Railway Co.* (9 Ch. D. 623); *Bonner v. Great Western Railway Co.* (L. R. 24 Ch. D. 1); *Foster v. London, Chatham, and Dover Railway Co.* (1895, 1 Q. B. 711). But under ordinary circumstances the erection of a screen for the sole purpose of blocking and obstructing neighbouring windows would look like a piece of ill-nature, and only persons acquainted with the peculiar provisions of the Prescription Act would be aware that it is the only course which the owner of a threatened tenement can adopt to protect himself from being deprived by statute of the right of building on his own land. In the metropolis even this remedy is subject to the permission of the London County Council. By the provisions of the London Building Act, 1894 (57 & 58 Vict. c. cxxiii., Part VI.), the height and strength of every "new building" are subject to the control of that council, and a screen such as would be a protection to the threatened owner has been held by a magistrate to be a "new building." It is very doubtful whether the London County Council would sanction such a screen, having regard to the dangerous consequences of its being blown down; and if so, the only means which a threatened owner has of defending himself is gone. Actions by the owners of ancient lights are often spoken of as "light and air" cases. But this is an error. The Prescription Act only deals with light, and does not touch the free passage of air. Such rights as have been claimed for free passage of air have been claimed under the old law of prescription (based on the presumption of a grant) which existed prior to 1832, and were, so to speak, crystallized into statute law with respect to light by the Prescription Act. But the right of free passage of air over another man's land is not held to be a valid easement. In *Webb v. Bird* (13 C. B. N. S. 84) an injunction to restrain the uninterrupted flow of wind to a windmill was refused, and in *Bryant v. Lefever* (L. R. 4 C. P. D. 172) the owner of a chimney which was made to smoke by the erection of stacks of timber in the adjoining tenement was held to have no remedy. There is one Act which I should mention in reference to the legal powers of the court. By an Act carried by Lord Cairns in 1858 (21 & 22 Vict. c. 27) the court was authorized, in all cases where it had power to grant an injunction, to award damages in addition to or substitution for it. This Act was repealed by the Statute Law Revision and Civil Procedure Act, 1883 (46 & 47 Vict. c. 45). But since then the opinion has been expressed by Lord Justice Baggallay (*Sayers v. Collier*, L. R. 28 Ch. D. 103) that there are sufficient words in that statute to continue the jurisdiction of the court although the Act has been repealed. The power has, however, been of very little practical use, as the judges have been unwilling to apply it, except in trifling cases, on the ground that if they gave damages in lieu of an injunction they were practically enforcing a compulsory sale by the owner of the dominant tenement of his legal right. Before referring to the history of the rule and the authorities on it prior to the Act of 1832, I may point out how entirely the rule is opposed to several ancient English maxims which are often quoted as principles of right and justice. The building of a house with an aperture or window on any side is a perfectly legal act which the owner of neighbouring land cannot prevent. It is, in fact, an unaggressive act which acquires by virtue of the statute an aggressive effect. The Prescription Act only puts into statutory form the old law by which judges used to direct juries to presume from twenty years enjoyment of an access of light the existences of a grant. Such a presumption was not rebutted by proof that no such grant had been made, or that the presumed grantor had protested against the threatened aggression. This presumption is entirely opposed to the maxims "*Qui non prohibet quod prohibere potest assensu videtur*" and "*Contra non valentem agere nulla currit prescriptio*," the principle of which is applied by section 8 of the Prescription Act to affirmative but not to negative easements, and on which the courts have held in other cases that assent would not be presumed where there was no power of prohibition. Again, the act of an owner in building his house on his own land in such a way as to injure or curtail his neighbour's proprietary rights is absolutely contrary to the maxim "*Sic utere tuo ut alienum non laedas*" — a rule expressed in different language in the maxim "*Prohibetur ut quis faciat in suo quod nocere possit alieno*." These four maxims were all quoted in the case of *Dalton v. Angus*, in the House of Lords, and treated as sound and just legal principles. I am at a loss to reconcile with them the existing law as to the acquisition of rights of light by prescription. I will now trace the history of this legal rule. It does not seem to have been favourably viewed by ancient writers. The earliest mention of windows is contained in FitzAlwyn's Assize of Buildings, written in 1189 (1 Richard I.). It is as follows: "*Of the Obstruction of the View from Windows*.—Also, if any person shall have windows looking upon his neighbour's land, although he may have been a long time in possession of the view from such windows aforesaid, nevertheless his neighbour may lawfully obstruct the view from such windows by building opposite the same or by placing anything there upon his own lands in such manner as may to him seem most expedient; unless the person who has such windows can shew any writing by reason whereof his neighbour may not obstruct the view from those windows." There are some dicta in old reports to the effect that rights which have existed since the reign of Richard I. cannot be disturbed. But the older judges do not seem to have been disposed to reduce the period of legal prescription, as will be seen from a case in 1589 (*Bury v. Pope*, Cro. Eliz. 118), which is reported in the following quaint terms: *Case for Stopping of his Light*.—"It was agreed by all the justices that if two men be owners of two parcels of land adjoining, and one of them doth build a house upon his land and makes windows and lights looking into the other's lands, and the house and the lights have continued by the space of thirty or forty years, yet the other may upon his own land and soil lawfully erect a house or other thing against the said lights and windows, and the other can have no action, for it was his folly to build his house so near to the other's land. And it was adjudged accordingly: *Nota—Quis est solum, ejus est*

summitas usque ad celum." How then did this prescriptive right to an easement of light by twenty years' occupancy without any trespass first come to be allowed by the courts? Upon this we have some valuable judicial observations in the case of *Angus v. Dalton* (3 Q. B. D. 85, 4 Q. B. D. 162, 6 A. C. (nom. *Dalton v. Angus*) 740), which in its passage from the Queen's Bench to the House of Lords (who asked for the opinion of the judges) has given us the judgments of thirteen judges and five law lords, many of which are, in fact, learned essays on the law of easements of light and support. Mr. Justice Lush, who traced the origin of this prescription, thinks that the Statute of Limitations (21 Jac. 1, c. 16), which limited the time for making an entry on land to twenty years, suggested the necessity of a corresponding period for the acquisition of these easements (*Angus v. Dalton*, 3 Q. B. D., at p. 90). He goes on to say: "The earliest recorded case that I am aware of was in 1761. In that year Wilmot, C.J., ruled that where a house had been built forty years and had had lights at the end of it, if the owner of the adjoining ground built against them so as to obstruct them, an action lay; and this, he said, is founded on the same reason as when they have been immemorial, for this is long enough to induce a presumption that there was originally some agreement between the parties. And he added that twenty years was sufficient to give a man a title in ejectment on which he may recover the house itself, and he saw no reason why it should not be sufficient to entitle him to any easement belonging to the house." Mr. Justice Lush then quotes from another judgment of the same judge in 1769 the following dictum: "If my possession of the house cannot be disturbed, shall I be disturbed in my lights? It would be absurd": *Levis v. Price and Dougal v. Wilson* (both reported in 2 Wms. Saunders, 175a). And he then goes on to quote subsequent cases following these dicta and leading up to the passing of the Prescription Act, 1832. It is evident that the theory of the creation of rights of light by twenty years' user was a judge-made law. It is rather difficult to see the exact analogy between the occupation and use of a piece of land, notorious and capable of being resisted either physically or by legal process, and the supposed partial occupation of a piece of land by the construction of a window adjoining and overlooking it which does not involve a trespass, which cannot be legally restrained or physically prevented except by a retaliatory erection, and which cannot reasonably be held to imply a consent. Cockburn, L.C.J., thought that the judicial action was hardly justifiable, for he says in his judgment in *Angus v. Dalton* that the rule was established without any warrant of legislative authority and by the arbitrary ruling of the judges, and then he concludes: "Well might Sir W. D. Evans, while admitting the utility of this doctrine, say that its introduction was a perversion of legal principles and an unwarrantable assumption of authority": *Evans v. Pothier*, 139; *Angus v. Dalton* (3 Q. B. D., at p. 105). Until the Prescription Act there was one notable exception to the general rule as to the acquisition of easements of light which had been made by the judges. The City of London preserved under the name of a local custom the opposite rule, in accordance with the case of *Bury v. Pope*. But the passing of the Act of 1832 deprived it of its excellent local law by the words "any local usage or custom to the contrary notwithstanding." It does not appear from Hansard that any debate took place during the passing of the Prescription Act of 1832 on the justice or desirability of perpetuating the rule as to easements of light, although several debates are reported as to the section affecting tithes. Lord Tenterden was its author, and the only reference to easements of light in the proceedings of Parliament which he is reported to have made is the following short sentence: "The third part relates to ancient lights and their obstruction. As to these also judges were often obliged to leave it to juries to presume that they were ancient lights. It was, in his opinion, preferable to fix the period of twenty years by law, for which period, if uninterruptedly enjoyed, they were then secure from challenges unless originally enjoyed by contract or agreement." It will now be well to consider what the law of other countries is as regards easements of light, and it is curious to find that England stands alone in allowing a prescriptive easement of light to be gained over other land so as to limit and curtail the legal powers of the owner. The Prescription Act did not originally apply to Ireland, but was in 1858 (21 & 22 Vict. c. 42) extended to that country. It has, however, never been accepted by Scotland, where easements of light cannot be created by prescription, however long, but can only be acquired by grant. Erskine, in his Principles of the Law of Scotland (17th ed., Book II., Tit. IX. 10), says: "This servitude (that of light) cannot be constituted by prescription alone, for though a proprietor should have built his house ever so low, or should not have built at all upon his grounds for forty years together, he is presumed to have done so for his own convenience and profit, and therefore cannot be barred from afterwards building a house on his property or raising it to what height he pleases unless he be tied down by his own consent." In France, which has a code founded on the Code Napoleon, it is provided (French Civil Code, Ch. II., Arts. 678, 679) that a man may not have a straight view or a window for sight, or balconies or other projections on his neighbour's estate, whether enclosed or not, unless there is a distance of 19 decimetres (6 feet) between the wall on which they are made and the said estate; nor a side or oblique view on the same estate unless there is a distance of 6 decimetres (2 feet). The Italian Code has a similar provision (Italian Civil Code, Tit. III., Arts. 587, 588), the distance being, however, a metre and a half (4 feet 10 inches), and half a metre (1 foot 7 inches). Lower Canada, which was originally a French colony, has adopted a code with the same rules (Code of Lower Canada, Tit. IV., Arts. 536, 537), the distances fixed being 6 feet and 2 feet. In Sweden there is a law somewhat similar to the French law, by which a landowner may not construct windows nearer than 7 feet 9 inches to his neighbour's land without his consent. In

the United States the English doctrine has been considered and rejected. In 1837 Judge Bronson delivered the following judgment in a case where lights enjoyed for twenty-four years had been blocked up by the owner of the adjoining land (*Parker v. Foote*, 19 Wendell, 309): "There is, I think, no principle upon which the modern English doctrine on the subject of lights can be supported. It is an anomaly in the law. It may do well enough in England, and I see it has recently been sanctioned, with some qualification, by the Act of Parliament 2 & 3 Wm. 4, c. 71, s. 3. But it cannot be applied in the growing cities and villages of this country without working the most mischievous consequences. It has never, I think, been deemed part of our law (3 Kent Com. 448), nor do I find that it has been adopted in any of the States." This doctrine has been followed in many cases. In 1893 the New York Court of Appeal held that "an owner of property may place widows in his house overlooking his neighbour's premises, but the neighbour may build to the extremity of his land or erect thereon a structure for the express purpose of preventing the view, since the English rule of ancient lights has been repudiated in this State, and no one is damned unless his legal rights are infringed." This is the law as declared in the State of New York; Connecticut in 1849 and Massachusetts in 1852 passed statutes declaring that a right to light cannot be acquired by prescription: and my informant, a New York lawyer, who is also a member of the English bar, tells me he knows the law to be the same in Illinois and Ohio, and believes it to prevail in the other States of the Union. In modern times the principle of the law has not passed without comment from some of our English judges, who, while compelled to administer the statutory enactment as to easements of light as they found it, have thrown doubts upon the justice of the principle embodied in the Prescription Act. Lord Wensleydale, in *Chasmore v. Richards* (7 H. L. C. 349, at p. 386), says: "It is going very far to say that a man must be at the expense of putting up a screen to window lights to prevent a title being gained by twenty years' enjoyment of light passing through a window." Mr. Justice Willes, in *Webb v. Bird* (10 C. B. N. S., at p. 285), describes the right to light as anomalous and differing from the general law that where a right is acquired by lapse of time against a person it must be shown that that person could have brought an action during the time of limitation, so that his omission to do so may be taken as evidence of acquiescence. This comment was approved by Lord Blackburn on the hearing of the case in the Exchequer Chamber (13 C. B. N. S., at p. 844). In *Bryant v. Lefever* (L. R. 4 C. P. D. 172) Lord Bramwell, delivering the judgment of himself and Lord Esher, says: "Anyone who reads the cases relating to the acquisition of a right of light will see that there has been great difficulty to establish it on principle"; and he then quotes with approval the opinions of Mr. Justice Willes and Lord Blackburn describing it as anomalous. And Lord Cranworth, in *Tates v. Jack*, says (L. R. 1 Ch. App. 295), referring to the abolition of the custom of London: "I cannot but think the advantages derived from the custom probably exceeded its evils. The growing necessity for lofty buildings is shown by the great multiplication of them in all parts of the Metropolis, and I cannot but fear that serious inconvenience may be felt by the abolition of the alleged custom, assuming that I was correctly informed as to its existence prior to the statute. With all this, however, sitting here to administer the law, I have no concern." The law has formed the subject of discussion both in the Royal Institute of British Architects and the Surveyors' Institution. The injustice and injurious operation of the law has been generally admitted. In 1881 a resolution was passed at a meeting of the Institute of Architects urging the Council to inquire into the law, and various reports of committees have since been presented. As recently as March of this year papers were read at a meeting of the Institute of Architects by two Fellows of the Institute and by Mr. Moulton, Q.C., an honorary associate. The Surveyors' Institution discussed it in the following May, when the subject was introduced by the president. Some of these gentlemen express strong opinions on the subject. One eminent architect says that "the obtaining of an easement by prescription is in my opinion a piece of dishonesty, but still it is the law." The president of the Institute of Surveyors looks on such an easement as in the nature of "stolen goods." Some of these gentlemen advocate the adoption of the Scotch law for the future, while others who despair of a repeal of the law advocate palliative remedies. One recommendation is that the dealing with lights shall be treated in a similar way to party walls, and adjusted by two surveyors, as under the provisions of the Metropolitan Building Act. Another proposal is that the Act should be modified as to enable an owner of land threatened with becoming servient to protect himself by giving a notice of protest or objection which shall prevent the operation of the prescription. Of the injurious practical effect of the law there is an absolute consensus of opinion among the two professions I have mentioned, whose experience is such as specially to enable them to judge. I do not find in the reports of their debates that there is anyone who defends it. The commercial development of our large cities has led to the importance of landowners making the utmost use of their land. Sites formally occupied by moderate-sized buildings have been replaced by much larger and higher blocks of warehouses and offices. But in numberless cases the existence of small windows which have developed into ancient lights has prevented the landowner from exercising his proprietary rights on his own land, and many a building has been spoiled in consequence. Further, the extortion of unreasonable amounts as compensation for withdrawing proceedings to obtain injunctions has been a common experience, and the litigation to which the rule has given rise has been enormous, especially in the City of London, which, as I explained, lost its old custom by the operation of Lord Tenterden's Act. I will now state the conclusions to which my examination of the subject has led me. They are as follows:

1. That the enactment of the Prescription Act, by which a man may be partially deprived of the right to build on his own land by an act of his neighbour which he cannot prevent or restrain, and against which he can only protect himself by going to the waste expense of a retaliatory wall or blocking erection, is wrong and ought to be repealed.

That, without prejudice to rights already acquired, the rule existing in Scotland and America, which follows the maxim quoted by the judges of Queen Elizabeth's reign: "*Cujus est solum, ejus est summus usque ad celum*," is in accordance with justice and equity, and therefore ethically right, and ought to be adopted in lieu of section 3 of the Prescription Act, 1832.

2. That, assuming that an easement should be allowed to be gained by prescription, the enactment by which it becomes absolute and indefeasible in twenty years, thereby excluding the protection provided by the Act in the case of affirmative easements for persons under disability, reversioners, and landlords, is gravely unjust and ought to be repealed.

3. That (on a similar assumption) the law by which, in the absence of a voluntary disclaimer of the powers of the statute by the owner of the tenement in course of becoming dominant, the only means of defence possessed by the threatened owner is the erection of a wall or screen to the height to which he may hereafter desire to build, is gravely defective. That a threatened owner ought to be enabled to protect himself from loss of his rights of ownership by a formal protest or notice of objection which might, if thought fit, be registered in some public office so as to secure its being available in evidence.

4. That great practical injury arises from the present state of the law, especially in large and crowded cities, in which it interferes most seriously with the full user by landowners of their land in accordance with their proprietary rights and the requirement of our constantly growing commerce.

At the conclusion of the paper he moved: "That this meeting requests the Council to take steps with a view to get the law relating to ancient lights considered by the Legislature, and, if thought fit, to co-operate for that purpose with the Royal Institute of British Architects and the Surveyors' Institution."

Mr. GRANTHAM DODD seconded the motion, and it was carried.

RECEPTION BY THE PRESIDENT OF THE DORSET LAW SOCIETY.

In the evening Mr. Alfred Pope, J.P. (president of the Dorset Law Society), and Mrs. Alfred Pope were at home at the Hotel Burdon to the president and Council and the members of the Incorporated Law Society and Dorset Law Society and ladies accompanying them. The reception was largely attended.

WEDNESDAY'S PROCEEDINGS.

SCOTTISH REGISTRATION OF TITLE.

The society resumed its sitting on Wednesday morning, when Mr. T. M. Horsburgh, S.S.C. (Edinburgh) read a paper upon "The Scottish System of Registration of Titles to Land," which we hope to print hereafter.

Mr. W. MELMOTH WALTERS said the description seemed to tally very much with that of Middlesex and Yorkshire, except that in the Scotch registry the entire deed was put on the register instead of the memorial. He would like to know in what respect the Scotch system obviated all fraud by its public registration. The English system was introduced experimentally. It was found not to be perfect and it never spread. Another system had been brought in experimentally, and they all as experts believed that it would not succeed. Whether it could be made to succeed by *force majeure* was another matter. He thought that the system in Middlesex supplied the same protection as that in Scotland, and that registration was no good against notice. There was nothing like the universal protection against fraud which was claimed by Sir George Mackenzie, and in practice the general opinion of lawyers was that the registration in Middlesex and Yorkshire was a tax for which there was no adequate return. It did not protect against forgery.

In answer to remarks by Mr. T. MARSHALL (Leeds), Mr. G. P. ALLEN (Manchester), and Mr. GRANTHAM DODD (London),

Mr. HORSBURGH said that the register was legal notice to all the world, and they were bound to go to the registry and see it or take the risk. In addition the register formed for ever an authentic series of title deeds. It was no memorandum made up by the registrar, and it was found most important in practice to be able to lay their hands at any time upon the equivalents of the deeds themselves. It was not found that there was any inconvenience from there being the right to search. People were not moved by mere curiosity to find out what a neighbour had borrowed on his property; but it prevented rogues from telling lies about their property because they knew they could be checked. The registrar had no discretion to refuse anything. He must register for what it was worth—that was to say, the lawyer who presented a deed took the responsibility. The registrar was bound to receive the deed and record it in the books, and the party must maintain the rights if any objection was raised.

The President observed that the hearty thanks of the meeting were due to Mr. Horsburgh. The great bulk of solicitors in registering counties thought the old system had worked well and hoped it would go on.

LEGAL EDUCATION.

Mr. J. WHITFORD BUDD read the following paper on "The Society and Legal Education":

There is no subject which should interest us more than that which is colloquially referred to as "Legal Education"; and, as some misconception

tion seems to me to prevail as to what the society has done in the past and what it is capable of doing in the immediate future, I make no apology for bringing the matter again before the attention of the members in general meeting; and I hope that, if a discussion ensue, some new light may be thrown on the subject and some useful suggestions made to aid the Council in dealing with such funds as they may from time to time have at their disposal for the furtherance of the cause of legal education. The steps taken by the society to obtain the control of the Law Examination before admission, the institution of the Intermediate Examination and the requirements of the Preliminary Examination or its equivalents, as well as the regulations for service under articles, are all matters of common knowledge and I propose only to refer to them very briefly and under three headings: (a) General Education before Articles; (b) Service under Articles; (c) Examination in Law and Practice during Articles and before Admission. As to the first heading, I apprehend that you will all agree with me in thinking that the standard which we exact at our own preliminary examination, or that which it is requisite for all articulated clerks in order to obtain a certificate of having passed any one of the other examinations which are treated as equivalent to our own, is as high as we can reasonably exact from a young man before he begins his five years' service under articles. I do not say that it is a high standard, but it is, I think, as high as is required in general education before entering into other professions, and, on the whole, must be treated as satisfactory. We must not overlook the difference which must necessarily exist between what we can exact as a minimum from all, and what by prizes or other inducements we can hope to get some to attain to. Then there is the exemption from two years' articles for those who have taken a degree at one of our universities, and of one year for those who have passed in the first division in the matriculation examination of the London University and other examinations; and in this connection there is also the relief of the intermediate examination for those who have taken a law degree. All these are encouragements and great encouragements for applicants to our profession to attain a higher degree of culture than is exacted from candidates who undergo a five years' term of articles, and I look with great satisfaction upon the increasing proportion of the number of graduates from universities who join our ranks. I am not one of those who think that the attainment of a university degree necessarily implies higher culture; there are many among us, and I could name some of my most intimate friends as conspicuous examples, who are not university men, and whose culture and attainments far exceed those of us who obtained university degrees before entering the profession; but we must look at averages and not regard exceptions as "proving the rule," and, for my own part, I hope that the time is not far distant when all, or nearly all, will enter the profession not only after obtaining a degree in some one or other of the recognized subjects of a university degree, but after obtaining a degree in law, and I trust that the efforts of the Council will be directed towards this end. The difference in expense between taking a university degree and then serving under articles for three years as compared with a five years' service under articles is very much less than is generally supposed. The one means a cost of a six years' education as compared with that of five years, and in cases where a premium is paid on articles there is usually some economy on the premium which to some extent compensates for the cost of living during the extra year. Then, a man who has passed through a university is usually three years older when he is articulated than a non-university man—he begins his professional education, at all events, with more experience of life and more sense of his responsibilities, and in my judgment, and according to my personal experience, learns more (speaking again of average cases and not of individual here and there) during his three years' articles than the other does during his five years' course. As to the second heading—Service under Articles—the society has ever opposed, and I trust will always continue to oppose, any interference with service under articles. It is, of course, one of the few surviving relics of the apprenticeship system; but by it alone can students obtain that knowledge of practice which is so essential to us. A man may be a good lawyer, but if he has not a thorough knowledge as to how business is and should be transacted he will make a sorry solicitor. I admit that, even if it were not compulsory, every successful solicitor must, unless he learns his experience at the expense of his early clients, acquire his power to conduct his business by learning it in the office of some more experienced colleague; but I hold a very strong opinion that it is for the good of the student and of the public that service under articles should be compulsory, and I trust that no relaxation of this vital condition of the legal education of a solicitor will ever be entertained. As to the third heading, namely, Examination in Law and Practice before admission, I do not think that the work of the Council of the society in reference to these examinations is sufficiently recognized; in my opinion no technical examinations are more carefully and efficiently supervised than are our final pass examinations by the Council. I do not propose to say much at the moment about the examinations for honours and prizes, they have their own merit, and I am the last to underrate their value; but the pass examinations are the backbone of ours, as they must be of any similar system. They may be thought, if anything, a little too difficult—you do not want a hard paper to test the merit of a candidate—what you want is a moderately difficult paper and a high standard of marks; and this I think we have in our examinations as nearly as can be attained. It is inevitable that, when an examination is held term after term in the same subjects of law and practice, there must be some sameness in the questions set. I feel convinced that neither the members of our society generally, nor our students, know of the care which the Examination Committee take with regard to these examinations. The examiners are selected with great consideration. At each examination every examiner first submits his questions and the answers which he considers would entitle the candidate to full marks to a member of the

Examination Committee, selected as specially competent to deal with the subject entrusted to the particular examiner, and after criticism by that member, the questions and answers are provisionally settled; and then the examiners attend and read out their questions and answers before a full meeting of the committee. The utmost care is taken to see that there is in each subject a nearly equal proportion of questions upon law and upon practice, and that, so far as possible, no questions are set unless they deal with some point of general interest, and, as I have already said, I know of no such technical examinations more satisfactory than our own. Although I am a warm advocate of a wider legal education than is comprised in our curriculum, I do not think that it is within the range of present practical politics to make a wider curriculum compulsory. It is, I think, and to have to recognise how very few members of our profession (and in this I include barristers as well as solicitors) trouble themselves with a careful study of any such subjects as ancient law, jurisprudence, or comparative legislation, and the laws of other countries; and yet what educational powers does the study of such subjects possess! In this connection I would comment a perusal of the address which the late Lord Chief Justice delivered in the Hall of Lincoln's Inn on the 28th of October, 1895, and which many of us listened to with such interest and respect. I have now referred to what the society has done in reference to securing a certain standard of general education service under articles, and a certain standard of knowledge of a limited number of (but useful and practical), law subjects; and a considerable portion of its available revenue is spent on these objects; the examinations themselves, to be efficient, must necessarily be expensive; but I have said nothing as yet about other expenses which the society has incurred, in part with a view to fitting candidates to pass their technical examination, and in part in aid of the efforts which are being made in the provinces to further legal education. In 1833, the Council established a system of law lectures, and in 1879 elementary law classes. The society secured the services of men of the highest class as lecturers, and had a most capable teacher for the law classes; but, after nearly sixty years' trial, the system of lectures was abandoned in 1892, and from that time to the present a system of law tutors (comprising post-graduate students at a distance) has been adopted. All this teaching has had for its object the fitting of candidates to pass our technical examinations. After taking into account the fees paid by students, it has cost the society sums varying from year to year, the deficit being in 1892, the last year of the lecturer system, a little over £700, and in 1899, £541 13s. 3d. Our experience in this respect is exactly the same as that of the universities—when it is a question of teaching subjects upon which candidates are to be examined, the lecturer has failed to compete successfully with the professional "coach" or "crammer." I think that the time has come when we should profit by our own and others' experience, and should cease to compete with the crammer, and should devote what money we can afford to apply for the purpose towards promoting in candidates for entering into our ranks a higher and better legal education, apart altogether from the compulsory subjects in which we examine them. If at the same time we could impress upon them the necessity and knowledge of an accurate system of book-keeping, we should be doing good service to our profession. I would say nothing in derogation of the grants which we make to certain of the more important provincial law societies, in furtherance of their efforts towards the legal education of the students in their centres; these efforts in many cases, notably at Liverpool, where a school of law has been established, have been very successful; but what I deprecate is our spending money in competition with the professional coach, in which we have been, and I fear must continue to be, unsuccessful. We must cut our coat according to our cloth, and I do not yet know approximately how much per annum we can afford to spend on legal education; but by the relief which we have obtained from the Government grant in aid of our discipline expenses under the Act of 1888 we are now at liberty to devote more than at one time we could of the general funds of the society to educational purposes, and there is no direction in which our funds can be more usefully or properly applied. We are represented on the senate of the reconstituted London University, and that body will no doubt establish a school of law, and there are existing schools of law at the two older universities and at other universities in the Kingdom. Even if we retained our examinations in practice, I doubt whether the time has yet come for us to accept the degrees conferred in law by other examining bodies as equivalent to our own examinations in law, but I hope that the time will come when one standard of knowledge in law will be required from everyone entering the profession, whether as a barrister or as a solicitor, and that a general examining body, on which we shall be fully represented, will be constituted for law as it now is for medicine. I hope, too, that when this time arrives we shall still exact the passing of our own examination in practice, and that our practice examinations will be extended so as to require an accurate knowledge of solicitors' book-keeping and accounts. In the immediate future I think we should continue to help the efforts of the provincial law societies, where we are satisfied that the funds can be usefully applied for the purpose; but I venture to suggest that, instead of wasting money in competing with the crammers in London, we should devote a considerable sum every year in bursaries or prizes to those deserving students who satisfy us that they have passed satisfactory examinations in law of any university, giving the preference to those students who have obtained distinction in ancient law, jurisprudence, and comparative law, which are outside our own compulsory curriculum. I would even go so far as to make grants in aid to students who desire to study these subjects and satisfy us that they are doing so at any recognised school of law. I feel sure that our money could be more usefully expended in this direction than it has been expended in the past on so-called legal education, and I cannot but think that, if the Finance Committee of our Council were asked

to say how much per annum could be applied for such a purpose, the Examination Committee would have no difficulty in settling a satisfactory scheme for its application and for making its existence sufficiently known as an inducement to students to devote their surplus energies to a higher and better legal education.

Mr. F. J. MUNBY (York) read the following paper on "Universities and Legal Education."

After some preliminary remarks, Mr. Munby said: As far as Yorkshire is concerned, I desire on behalf of the Yorkshire Board of Legal Studies, which represents the ten law societies in our county, publicly to express our grateful appreciation of what the Council of this society is doing for us by their grant of £250 a year for five years to our board, which enabled us to fulfil our undertaking with the Council of the Yorkshire College to establish, and which I hope has laid a firm foundation for, a faculty of law at that important college, and has thus given us the opportunity of raising in Yorkshire the study of the law to a higher level than before was possible. We are grateful to the Incorporated Law Society for this support, and the obligation is one which we shall not forget. Now to my point, which is the university man as an articled clerk. No doubt there are those here who have received as an articled clerk for three years' service a graduate of one of the universities; and there are probably some here who, after taking their degree, have served three years in a solicitor's office. Their views on this subject will carry weight. It is generally recognized that three years' service under articles is sufficient for a graduate. The simple question, I submit, is whether the university course in law and service under articles can run together, and the period of service for a clerk graduating in law be shortened to three years subject to proper safeguards. My friend Professor Hopkinson, the principal of the Owens College of the Victoria University, has from his youth been actively interested in legal education, and, after having been called within the bar, has returned to the college in which he was trained for the legal profession in the capacity of principal. Among all the faculties associated with that college the law faculty must chiefly interest him and in him the legal profession have a friend in this rising and eminent university. The Owens College has already done well in this direction. Principal Hopkinson no doubt desires (and that rightly) to draw more law students to his college; and, though it may be supposed that what he puts forward on the subject of legal education is in the interests of the college, it is no less the fact that he represents, and is zealous for, the interests of our profession. Principal Hopkinson has drafted a Bill, copies of which are before you; and the object of this Bill is to enable the Lord Chief Justice and the Master of the Rolls to make rules under which an articled clerk, who, having passed his intermediate examination in law at a university before being articled, and afterwards, during his articles, having taken a degree in law at a university, may be admitted as a solicitor, after passing the final examination of the Incorporated Law Society (U.K.) at the end of the third year of his clerkship. This draft Bill came before the Yorkshire Board of Legal Studies for consideration, accompanied by a carefully prepared memorandum annexed to the copies of the Bill now before you. I will not attempt to go over the ground covered by that memorandum, as I hope many of you will patiently read it. I desire to explain that our board considered the time had not then come to advocate the Bill, the board's province being first to look at it from the solicitor's point of view, and it was felt that before taking action time must be given for the consideration of the merits of the question and for the ripening of opinion into settled conviction. What, then, are those merits? But first as to demerits; many solicitors assert that office work affords the best education for an articled clerk, and many more fear it being broken into by the clerk's absence at law classes and lectures. The due regulation of such absence is no doubt the crux; but office work we must all confess is not often accompanied by systematic explanation. What indeed we find it impossible ourselves to do we need classes and lectures to do for us. Roughly described, the proposal commends itself to me because I believe a youth who, instead of coming into an office straight from school, first secures at least twelve months' training in a university, and looks forward to growing out of an undergraduate into a graduate in law, will take at once a more hopeful and intelligent interest in office work, and so display in his first year a capacity for assimilating legal knowledge much beyond that of the ordinary beginner. The idea of association with a university must in time reach the public mind in contemplating a legal career for a boy leaving school, and the consequent expense should be accepted. Economy of time in order to do his work and attend lectures must become the first care of an articled clerk. In his second year's service he may be anxious about his degree, but if this should break into his office hours his third year will, if he has taken his degree, render him a man more able to take advantage of what he can learn in the office of his master than the average articled clerk is in his fifth year. The net result would be: we receive a student in place of a schoolboy; he devotes four years to his legal training, the first year as an undergraduate, the second and third years as both undergraduate and articled clerk, and in his last year, having taken his degree in law, he is entirely free from university shackles, and we can teach, and he is in a position to learn, the practice, the duties, and the responsibilities of the profession, and so we can turn him out of the office in every sense a qualified man. Obviously, a degree at Oxford or Cambridge could not be obtained on this plan unless the clerk were articled in Oxford or Cambridge, as residence is necessary in each of those universities. These are observations expressed in the hope of setting others thinking, and directed towards fulfilling the primary object of this influential society, the education of our articled clerk, so as to make them not only skilled lawyers but educated men and worthy members of an honourable profession. By way of giving our thoughts a practical direction I may point out that the first step to be made should be on the

part of the universities, whose regulations should include elementary English law as a necessary subject for the intermediate examination for a degree in law. Were this assured, the support of the profession to such an enactment as that proposed by Principal Hopkinson would be the more readily given; and I desire, therefore, to submit the following resolution: "That this meeting commends to the favourable consideration of the Council the enactment proposed by Principal Hopkinson, by which legal education at the universities would be encouraged and advanced; and it is suggested that the universities should alter their regulations so as to make elementary English law a necessary subject for the intermediate examination for a degree in law."

Mr. J. B. PARKINSON (Manchester) seconded the motion. He was opposed to too much shortening of the period of articles. Practice was the important part. The society should not attempt to compete with the crammer, and if the system of postal education was given up, the society would have more money for the local societies for furthering legal education.

Mr. GRANTHAM DODD was in favour of the degree being taken before articles, but if not it should be taken during articles.

Mr. GRIBBLE said that clerks came up from the country offices very often with too much belief in their knowledge of the law; but they usually had much more knowledge of the law than those articled in town. He did not deprecate the advantage of a university education, but did not think the study of the law was a good preparation for articles. The study of mathematics and classics was a far better training for the mind. A solicitor needed the knowledge of business which could only be acquired under articles.

Mr. GRINHAM KEEN hoped there would be no taking degrees whilst under articles.

Mr. J. W. REID (London) asked why book-keeping had been withdrawn from the Intermediate Examination. Book-keeping was of very great value to the solicitor.

Mr. R. R. M. DAW (Exeter) objected to university education as being impracticable in many cases on the ground of expense.

Mr. HENRY MANISTY urged the value of university training. He had never been able to see how the ordinary young man could take his degree and serve his articles at the same time.

Mr. G. P. ALLEN supported the resolution, which simply recommended the favourable consideration of the matter.

Mr. E. W. KROCKER, C.B. (Dover), Mr. J. MILLER (Bristol), Mr. J. H. JONES (Gloucester), and Mr. H. TILL (Dorchester) also took part in the discussion.

Mr. W. MELMOTH WALTERS suggested that a division was not necessary. The matter was always before the Council, and no hard-and-fast resolution would help the matter.

Mr. BUDD replied. He said the question of book-keeping at the Intermediate Examination was under the consideration of the Council. He suggested that the word "favourable" should be omitted from the motion.

Mr. MUNBY replied, and expressed his agreement, but eventually withdrew the motion, being content to leave the matter with the Council.

WORKMEN'S COMPENSATION.

Mr. J. H. COOKS (Wimford) read a paper on this subject, which we hope to print hereafter.

LIMITED COMPANIES.

Mr. JAS. W. REID (London) read a paper entitled "The Formation of Limited Companies as affected by the Act of 1900," as follows:

After some preliminary remarks, Mr. Reid said: In the remarks that I wish to make now, the best plan will be to call attention to some of the practical points which will require the attention of the profession in the formation of limited companies on and after the 1st of January, 1901, and upon these points I propose to add a few comments. The first section of the Act alludes to a statutory declaration to be made by the solicitor engaged in the formation of the company stating that all requisitions of the Companies Acts "in respect of registration and matters precedent and incidental thereto" have been complied with. Inasmuch as the registrar may accept this declaration as sufficient evidence of compliance with such requisitions (and as the certificate when given is made conclusive evidence that all such requisitions have been complied with) it becomes of importance to see what are the new matters demanded by the Act which are precedent and incidental to registration, and must be included by the solicitor in this statutory declaration. These new requirements have relation to (a) the appointment of directors, and (b) the qualification of directors. The short effect of these requirements is that no person is capable of being a director by the articles (or of being named in the prospectus as a director or proposed director) unless before registration of the articles (or publication of the prospectus, as the case may be), he has (1) signed and filed with the registrar a consent to act as director, and (2) has either signed the memorandum of association for not less than his qualification shares, or signed and filed with the registrar a contract to take and to "pay for" his qualification shares. It should be mentioned that these provisions do not apply to any company which does not issue any invitation to the public to subscribe for its shares or to a prospectus issued by a company after one year from the date when it is entitled to commence business. In cases, therefore, of companies formed after the end of this year, which go to the public for share subscriptions, the solicitor will have to see, in cases where directors are named in the articles, that they have signed consents to become directors and have signed contracts to take up and to pay for their qualification shares. As the company cannot, of course, be registered until the articles are filed, I should have thought that these facts would, in such cases, have

to be included in the solicitor's declaration filed with the registrar before the registration of the company takes place. I understand, however, from the registrar that a printed form of declaration will be issued which will be in general terms stating that all the necessary requisitions have been complied with. The new provisions may have the effect of confining the practice of naming directors in the articles of association to those companies which do not go to the public for share subscriptions. With regard to naming directors in the prospectus, it is to be observed that the prospectus itself has to be registered under the Act before it can be issued, and the prospectus has to be dated and to be signed by every person named therein as a director on or before the date of its publication. Besides this it is enacted that the date upon the prospectus shall, unless the contrary be proved, be taken as the date of publication of the prospectus. The new provision about the filing of a contract under which the directors agree to pay for their qualification shares may do something towards preventing the objectionable practice of directors being presented with their shares, and having no real stake in the company; although, of course, it is not possible to stop the money to pay for the shares from being provided by someone else. Another new provision contained in the Act (which may have awkward results) is that which enacts that on the application to register the company the applicant shall deliver to the registrar a list of persons who have consented to be directors, and if this list contains the name of any person who has not so consented the applicant shall be liable to a fine not exceeding £50. The result of this would seem to be that no solicitor registering a company will be safe unless he gets the written consent of every intending director before he registers the company; and, inasmuch as persons who intend to be directors will not (if they be wise) sign such consents until they have approved of the prospectus, the result will be that the preparation of the prospectus in its complete form will have to take place before the papers for the registration of the company are lodged with the registrar. This may or may not be a wise provision; but it is certainly novel. The preparation of the prospectus is usually the result of several meetings of the intending directors, and sometimes it is important to register the company promptly before the prospectus is ready to be issued; but in future such a thing will become practically impossible. An additional provision (for the purpose of compelling directors to hold their proper qualifying shares) is that by which it is enacted that the office of a director shall be vacated if he does not within two months from the date of his appointment obtain his qualification: and a further provision that if a director remains without his qualification after the expiration of this period, he shall be liable to pay to the company £5 for every day on which he acts as a director, and is unqualified. The next point of great practical importance in the new Act is the set of clauses which provide that no allotment shall be made of any share capital of a company (offered to the public for subscription) unless the amount fixed by the memorandum or articles and named in the prospectus, as the minimum upon which the directors may proceed to allotment, has been subscribed, and the sum payable on application for the amount so fixed and named in the prospectus has been received by the company. If no amount be so fixed and named in the prospectus, then the whole amount of the share capital of the company must have been subscribed and the sum payable on application must have been received by the company before any allotment of shares can be made. Further, these amounts must be reckoned "exclusively of any amount payable otherwise than in cash." The amount payable on application for each share shall not be less than £5 per cent. of the nominal amount of the share. I have nothing to say upon the principle of these clauses of which I have elsewhere expressed full approval. It is to be hoped that the effect will be to stop the flotation of a lot of bogus companies which never get enough share capital subscribed in cash to ensure sufficient working capital. It will be the duty of the solicitor to point out to the promoters and directors who consult him the vital importance of making this minimum, upon which the directors may go to allotment, a sum sufficient to allow for proper working capital of the concern. If the minimum be placed too low no prudent investors are likely to subscribe for shares, and it is obvious that if the minimum be placed at too high a figure there will be a great risk of the company failing altogether to get any right to commence business. The failure of the company to get sufficient applications for shares after the issue of the prospectus is provided for by enacting that, if after forty days from the issue of the prospectus the minimum subscription is not obtained, and the sum payable on application is not received by the company, all money received from applicants for shares shall be forthwith repaid to the applicants without interest; and, if any such money be not so repaid in forty-eight days after the issue of the prospectus, the directors shall be jointly and severally liable to repay the money with interest at 5 per cent. from the expiration of the forty-eight days. There is a proper provision (in this section of the Act for restriction of allotment) which provides that any condition requiring an applicant for shares to waive compliance with any requirement of the section shall be void. These clauses restricting the directors from going to allotment will be sure to cause disappointment in the formation of many limited companies in which the promoters and directors are acting in perfect good faith. A matter of practical interest to our profession is that of the preliminary costs and expenses of a company, which, owing to the new requirements, becomes abortive. To fortify oneself by an agreement with the vendor to pay the costs of formation and registration of the company (including the preparation of the memorandum and articles of association, and the preparation of the prospectus) may be one way out of the difficulty. But, on the other hand, a vendor, who has got a good property or a satisfactory business to sell, will not at all like the idea of having to guarantee expenses in a case where not only does he get no benefit, but he is positively injured (in a more or less serious degree) by having his property or his business

disparaged by the failure to get sufficient shareholders to take up the minimum of share capital indicated in the articles and prospectus. On the other hand, the directors named in the prospectus of an abortive company will not be prepared to pay costs for what has done them more harm than good. Any practical suggestion of what would be the proper course for a solicitor (placed in this uncomfortable position by the new Act) to pursue, will be welcome to most of us, and I shall be glad to hear from members of the profession more experienced than myself what they may have to say on this branch of the subject. Again, what is to happen with regard to the stamp duties and fees payable to the Inland Revenue Department on the registration of a company which does not get enough capital subscribed to go to allotment? There is no provision in the Act for getting any return of the heavy stamp duties and fees, which will be entirely thrown away if either the company does not go to allotment, or if it never acquires the right to commence business. Thus a company with a nominal capital of £100,000 may put as its minimum on which it will go to allotment £80,000, but it has to pay its stamp duties and fees on the amount of its nominal capital before it can be registered, which in the case supposed would come to £280, and if it fails to acquire the right to commence business, this sum of £280 is entirely lost. Who is to pay for this loss? Just a word on the effect of an irregular allotment which it is enacted shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company "and not later." Besides this, directors who knowingly contravene the provisions with respect to allotment are liable to compensate the company and the allottee for loss, damages, and costs. It is to be observed that the statutory meeting is (under section 12 of the new Act) to be held within a period of not less than one month, nor more than three months from the date at which the company is entitled to commence business. So that any shareholder who feels himself wronged by an irregular allotment of shares will have, as the limit of time, a period which will vary (according to the circumstances of the date of the statutory meeting) between two months and four months from the date at which the company is entitled to commence business. We have now to consider what is meant by this date at which the company is to commence business, and what are the restrictions on the commencement of business. I think that the short effect of the enactment in this respect may be summarised as follows: A company shall not commence any business nor exercise any borrowing powers unless—(a) Shares have been allotted to the amount of the minimum subscription (as before explained). (b) Every director has paid for his shares the same proportion as the public have to pay on application and allotment. (c) A statutory declaration has been filed with the registrar proving compliance with these conditions. After the filing of the statutory declaration, the registrar is to give a certificate that the company is entitled to commence business. Presumably the date of this registrar's certificate will be the exact day on which a company may commence business, although in practice this may be a day or two after the actual compliance with the new regulations. It should be remarked that these restrictions on the commencement of business do not apply to any company where there is no invitation to the public to subscribe for its shares. It may also be observed that there is a special penalty (for any contravention of this section) in the shape of liability to a fine of £50 per day during which the contravention continues, and this is enforceable (according to the widespread if somewhat vague words of the Act) against "every person who is responsible for the contravention." The notion of a clause making restrictions on the commencement of business is traceable to the Board of Trade Report of 1895, when the committee responsible for that report state that the design of the clause was as a substitute for a proposal to revert to the system (which was abandoned in the year 1856) of provisional registration only in the first instance, and of postponing the complete registration or constitution of the company until after the share capital has been allotted and a certain proportion has been paid up. In addition to these restrictions on the commencement of business there is tacked on a clause (to which I ventured to take exception when discussing the draft Bill in my paper in 1898) which in effect provides that all contracts made prior to the date when the company is entitled to commence business shall be provisional only. I still hold that this enactment is objectionable for the reason which I previously stated—viz., that "no owner of anything worth selling will submit to have a prospectus issued until he has a definite contract." The clause has in effect some of the evils of double registration. These are: (1) Registration of the company, and the registrar's certificate of its incorporation. (2) Registration of the right to commence business, and the registrar's certificate that the company is entitled to commence business. Any contracts made until this second registration has taken place are to be provisional only. I am quite aware of the arguments used by learned lawyers in the House of Lords, such for instance as the Lord Chancellor's remark that "a company cannot contract now unless it is a company"; but this does not, I fear, grasp the real difficulty. Under the present system you register your company, and can the same day have your binding contract executed; and when the prospectus goes out to the general public, it is with a certain legal contract in existence. Even if you persuade your vendor to advertise his property or business in a prospectus, and to run the risk of having his property returned on his hands, or the risk of his business (with its goodwill "blown upon" and injured) being flung back at him, you will find, I venture to say, the intending shareholder hanging back about investing when he knows that there only a provisional contract for acquiring the property or business of the intending vendor. We find no assistance in the Act upon the question of whether we are to tell the public in the prospectus that the contract is only a "provisional contract." The clause of the Act which deals with the particulars to be inserted in the prospectus alludes to the "dates of and parties to every

material contract." At the time of the issue of the prospectus these contracts will all be merely provisional. I am inclined to think that a solicitor who (in his anxiety to do what he thought fair and right to the public) added, to the description in the prospectus of the dates and parties to the contracts, an intimation of the result of what the Act of Parliament has done, in such words as "but the said contracts, are only provisional" would be properly looked upon as "rather an ass." Of course I am not very serious over this particular item of criticism, for I have little doubt that our profession will do what it has done hundreds of times before—viz., act as the useful go-between for making workable some undesirable piece of legislation. Another objection which has been urged against this section (which restricts the commencement of business) is that it also restricts the exercise of borrowing powers, and may in effect prevent the raising of debentures simultaneously with share capital. Sub-section (4) of section 6 states that "Nothing in this section shall prevent the simultaneous offer for subscription of any shares and debentures on the receipt of any application." It would, however, be only adding to the awkward predicament above indicated if the prospectus were to invite the subscription for debentures, and then the company were to fail to acquire any right to commence business. The effect would be dozens of additional contracts to take debentures, all of which would be provisional only. The clause in the draft Bill of the Board of Trade Committee of 1895 and in the other Bills which have been introduced into Parliament have all had words excepting contracts to pay preliminary expenses from the ban of being provisional only: but the new Act has no such exception. Another section of the new Act which demands very careful attention is that which relates to commissions and discounts. It is specifically enacted that a company may lawfully pay a commission to any person in consideration of his subscribing or agreeing to subscribe shares, or procuring or agreeing to procure subscriptions, if the payment of the commission and the amount or rate per cent. are authorized by the articles and disclosed in the prospectus. Provided, of course, that the commission does not exceed the amount or rate so authorized. It is further provided that (except in the manner thus specifically authorized) no company shall apply any of its shares or capital money in payment of any commission, discount or allowance for placing shares "whether the shares or money be so applied by being added to the purchase-money of any property acquired by the company, or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase-money or contract price or otherwise." No doubt attempts will be made to wriggle out of the plain meaning of this section; and I am not going to suggest any loop-hole in the section, for my earnest desire is to see the system of underwriting of shares for commission put upon a sound basis that every one can understand. The practice has been far too frequent in the past of concealing from the intending subscriber for shares what amount is being paid for commission for placing shares (and for other allowances made to promoters), and the unlucky shareholder in the past has often only learnt about these things when he has subscribed for his shares and has become liable to pay future calls. It is misleading to say that the vendor paid these commissions; because, of course, they were added by the vendor to his price, and so came out of the company's funds without the shareholders being aware of it. I heard (during the time that the drafts of the various Company Bills were being discussed) many expressions of opinion that this proposed clause about commissions, discounts, &c., would kill the system of underwriting. I don't believe that it will do anything of the kind; for there can be little doubt that, so long as the commission is not an extravagant one, the intending shareholder will not object if he knows beforehand what commission is to be paid. If the commission is an exorbitant one (because, amongst other reasons, the risk of having the shares left on the hands of the underwriter is considerable) then I say that is precisely the information which ought to be given to any intending shareholder. There is only one more section of the new Act with which I propose to trouble you, and that is section 10, which is described in its marginal note as dealing with "specific requirements as to particulars of prospectus." It is by far the longest section in the Act, and occupies three whole pages in the Queen's printer's copy. I am not going to attempt to summarise this important section, nor am I going to weary you by detailed criticism of its provisions. Every member of the profession who has anything to do with company work will have to study this formidable section for himself. I will try, however, to pick out a few salient points worthy of special attention. In the first place, section 10 must be read with section 30, which defines what a prospectus is and states that it means "any prospectus, notice, circular, advertisement, or other invitation offering to the public for subscription or purchase any shares or debentures of a company." It will be observed, therefore, that all the minutely elaborate requirements of section 10 will apply not only to a prospectus for obtaining shares, but to any prospectus issued for obtaining debentures. There is an excepting sub-section which states that section 10 shall not apply to a circular inviting existing members or debentureholders to subscribe for further shares or debentures; and there are provisions limiting the requirements in case of a prospectus published more than one year after the date at which the company can commence business; but, as this paper is concerned with the formation of limited companies, I pass over these. The main new particulars to which I wish to call attention as being required by the Act to be stated in the prospectus of a new company are the following:—

- (1) The contents of the memorandum of association must always be set out, whereas formerly this was only a requirement of the Stock Exchange when a quotation on its share lists was desired.
- (2) The number of founders' shares and the nature and extent of the interest of the holders in the property and profits of the company.
- (3) The provisions in the articles as to remuneration of directors and

the number of shares fixed for their qualification, as well as the names, addresses, and description of the directors.

Taking these requirements as a group they do not go beyond what is reasonable and proper information to be given to any intending shareholder. To avoid additional expense of advertising a prospectus in the newspapers there is a subsection rendering it unnecessary, for advertisement purposes, to set out the Memorandum of Association which forms part of the prospectus. The next group of particulars are the following:—

- (4) The minimum subscription on which the directors may proceed to allotment.
- (5) The number and amount of shares and debentures to be issued as fully or partly paid-up otherwise than in cash.
- (6) The consideration for which such shares or debentures have been issued or are proposed to be issued.

I have already dealt with the clauses relating to the minimum subscription and the necessity for stating this in the prospectus, and for also stating what shares and debentures are issued otherwise than for cash. The statement of the consideration for which such shares and debentures are issued is merely an outcome of this, and requires, I think, no further explanation. The next group of particulars are those which relate to the vendor and the purchase-money, (and the particulars which have to be stated in the prospectus may be shortly alluded to as follows:—

- (7) Names and addresses of vendors "and the amount payable in cash, shares, or debentures to the vendor," and where there is more than one separate vendor, or the company is a sub-purchaser, the amount payable to each vendor.
- (8) The amount paid or payable as purchase-money in cash, shares, or debentures, specifying also the amount payable for goodwill.

The words "and the amount payable in cash, shares, or debentures" were not in the Bill drafted by the Committee of the Board of Trade, and were not in any of the early Bills introduced into Parliament, but were, in fact, added by the Select Committee of the House of Lords in 1899. I welcome the addition of these words, for, as I ventured to point out in 1895, there is no reason why the prospectus should not shew to whom the price paid is actually to go, and how it is to be applied; and I then urged that what is needed is "to make it necessary at the time of getting subscribers' money by means of a prospectus, to tell them not only what the purchase-money is, but exactly how it is proposed to apply the money." I still think that the section does not, in this respect, go far enough, but this remains to be seen when the Act comes into operation. The next three items which have to be set out in the prospectus are also important. They are:

- (9) The commission for underwriting, or the rate of such commission.
- (10) The amount, or estimated amount of preliminary expenses.
- (11) The amount paid or intended to be paid to any promoter and the consideration for any such payment.

The commission for underwriting I have already dealt with. There will often be difficulty in stating what the preliminary expenses will be, and so the words "estimated amount" may be found useful. It would seem that these preliminary expenses, even if they are to be paid by the vendor and not by the company, will still have to be stated. There is a good healthy treatment of the matter, too, in making plain at the time when subscriptions are invited how much is to be paid to the promoters and what is "the consideration for any such payment." The astonishing and disgraceful way in which material facts (about which any business man would insist upon being informed before embarking upon the transaction) have been systematically concealed from persons who have been invited by prospectus to become shareholders in a limited company, has gone a long way to account for the discredit attached by the general public to such words as "Limited Company," "Company Promoter," and "Company Solicitor." The remaining particulars to be stated in the prospectus may be shortly expressed as:—

- (12) The dates and parties to every material "contract," and a reasonable time and place at which such contracts may be inspected.
- (13) The names and addresses of the auditors.
- (14) Full particulars of the interest of any director in the promotion of the company, or in the property to be acquired by the company.

With regard to the question of "material contracts," there is a proviso that the requirement for disclosure in the prospectus "shall not apply to a contract entered into in the ordinary course of business carried on or intended to be carried on by the company," or to any contract made more than three years before the date of publication of the prospectus. Everyone acquainted with the formation of companies will know that the exception in favour of contracts in the ordinary course of business is very proper, and it is to be hoped that any attempt by unscrupulous persons to conceal a material contract (material for the intending shareholder's information), by contending that it comes within this excepting proviso, will be dealt with severely by the courts. The words of the section in the Bill of 1896 were intended to compel the statement in the prospectus of the "short purport or effect of every material contract and every material fact known to any director or promoter." The evidence given before the Lords Committee in 1897 by two eminent judges has (as I ventured to predict) resulted in these objectionable words being withdrawn. To give the short purport or effect of any complicated contract is an awkward responsibility, as I know from the difficulties encountered in trying to give you something in the way of "short purport or effect" of some sections of this important but harassing statute. It should be mentioned that section 38 of the Companies Act, 1897, which dealt with the disclosure in the prospectus of all contracts, has been repealed by the new Act, and the enactment of this section 10 stands in place of it. Further, the question of waiver of the right to have material contracts disclosed is set at rest; for by sub-section 5 of section 10 it is enacted in effect that any condition binding any applicant to waive compliance with

any requirement of the section "or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus shall be void." And now my task of discussing the new Act as it affects company formation is at an end. There is much other interesting matter in this Act, such as the new enactments relating to the "First Statutory Meeting," and the "Registration of Mortgages and Charges," but the limits of this paper must not be extended, and I have no doubt that I have tried the patience of my hearers very considerably already. I will, in conclusion, throw out one suggestion to the Council of our society. I do not move it as a resolution for them to take into consideration; because I feel that the movement is one which must be entirely voluntary on the part of the Council. My suggestion is that a special committee of the Council (with any other assistance which such committee may need) should have the important duty of assisting other members of our society with advice with regard to company work and more particularly upon points arising under this new Act. Under the Solicitors' Remuneration Act and Order the Council have afforded the profession the most valuable assistance. I have never been so troublesome as to ask them a question myself; but after studying this new Act, I feel (and I believe that other members will feel) how great the value would be of having occasional advice and assistance from members of the Council, whose practice will bring them into constant contact with the innumerable difficulties of the "Companies Act, 1900."

HOW TO SET OUR HOUSE IN ORDER.

Mr. J. S. RUBINSTEIN (London) read the following paper upon this subject:

After some preliminary observations, Mr. Rubinstein said: It will be conceded by every impartial person that the work, character, and reputation of the society are dependent almost wholly on the status of the members constituting the Council, and that it is consequently of vital importance that its members should be recognized as belonging to the highest and most reputable ranks in our profession. In glancing at the names of the members of the Council it is apparent that they possess the qualifications I have mentioned. At the same time, anyone who has followed the drift of professional opinion must be aware of the fact that a large number of solicitors have lost some amount of confidence, and, in my judgment, not without reason, in the Council. The following three matters that have happened this year, are, I think, sufficient to prove this assertion:

1. The fact that it was only at the instance of a private member that a special committee was appointed to report on the best means of protecting the profession and the public against such malpractices as have been disclosed in certain recent cases.

2. The fact that a resolution was passed at the last annual meeting by an overwhelming majority against the continuance of the Law Club, notwithstanding the strong views held by the Council in favour of its retention.

3. The circumstances that a young solicitor, almost unknown, came forward at the last election as a candidate for the Council, and was defeated by less than 200 votes.

The question that we have to solve is, how it happens that a Council, admittedly composed of the best members in our profession, is out of touch with a large proportion of the members. The explanation I suggest is, that the Council are over-influenced by precedents and traditions, the growth of half a century, now quite out of harmony with the wants and circumstances of the present day. [After referring to the reform of the Royal Botanic Society, Mr. Rubinstein proceeded:] The failure of our Council to secure in the interests of the public no less than in our interests the influence which should be ours in shaping reforms is largely due, I believe, to the excessive deference paid by our Council to the authorities. Anyone who reads the annual reports of the society, and who notices the number of subjects dealt with, cannot doubt the fact that the Council disinterestedly devote an immense amount of time and labour to their work. Rarely, however, is any record to be found of subjects on which our views differ from the views of the authorities, subjects the most important and vital to the public as well as to our profession. A short reference to a few of the subjects I allude to will, I submit, prove the truth of my assertion.

Rules of Legal Procedure.—One of our greatest grievances is the fact that the rules regulating legal procedure are terribly long, cumbersome, complicated and confusing, and that as a result litigation is notoriously dilatory, uncertain and costly. The cry of the litigant is heard by us louder than by anyone else. Our anxiety is to help, but we are powerless. The duty of framing rules has been jealously kept by the highest legal authorities in their own hands. Our grievance is one of long standing. So far back as 1851 our Council pointed out how the work of framing rules could be simplified if two or more solicitors of eminence and experience were allowed to co-operate. Notwithstanding the fact that solicitors are both by knowledge and experience specially fitted to assist in giving a workable shape to the procedure, our claims to be allowed an adequate voice have been persistently ignored. In 1894 the Rule Committee consisted of eight judges, and in that year it is true the Government was pleased to pass an Act adding two barristers and the president of our society for the time being to the committee. We are, however, apparently as far off as ever from any of the long-promised reforms. In a paper on "The Law's Delay," contributed by me in January, 1896, to the *Fortnightly Review*, and again in a paper I read the same year at our provincial meeting at Birmingham, I pointed out that the Act of 1894 was, in my opinion, worse than useless, as it gave colour to the suggestion that our views were represented, while, in fact, our representation was so totally inadequate, and was so constantly changing, that it could not possibly exercise any real influence. At the Birmingham meeting a resolution was

unanimously carried in favour of our society being more largely entrusted with the duty of framing rules. Notwithstanding the strength of our feeling on this subject I look in vain through our annual reports for the years 1897-8-9 and 1900 for a word of reference to it. What can it be but the excessive deference which our Council traditionally pays to the authorities that sanctions our presidents continuing to attend year after year, without protest, the meetings of the Rule Committee?

The Solicitorship of Government Departments.—In a paper I read at our provincial meeting last year, "On the Bitter Cry for Law Reform," I instanced the manner in which the authorities have over and over again appointed barristers to fill the office of solicitor in various Government departments as proving that solicitors have absolutely no influence whatever with the authorities. Our Council have recognized in the past that it was opposed to the public interest and to the just claims of solicitors that barristers should fill solicitors' offices. As there is scarcely an office of dignity or an opportunity of professional or social distinction open to solicitors, it is not a matter for surprise that solicitors should feel strongly at being shut out of offices that should be theirs without a shadow of a question. Yet here again no trace is to be found in any of our recent reports of any action taken by the Council. What explanation can we conceive for the Council's inaction except the tender regard they traditionally pay to the predilections of the authorities? If the Council only had the courage to move in the matter, the sympathy of the public would undoubtedly be theirs. It is impossible to conceive a greater public scandal than the fact that one gentleman, a member of the bar, fills the following official posts: Solicitor to the Admiralty, to the Charity Commission, to the Home Office, to the Treasury, to the War Office, and to the Works Commissioners. As if these offices were not sufficient to usefully employ the whole of his time, the same gentleman also holds the appointment of Queen's Proctor as well as Director of Public Prosecutions. Think of it! And yet the public wonders why the wheels of justice grind slowly and why rogues escape.

The Land Transfer Act, 1897.—If there is one thing more than another which the public distrusts it is the spread of officialdom. In this respect the views of the authorities are in direct opposition to the views of the public. The opportunity of finding suitable berths for political friends seems dear to the ministerial or ex-ministerial heart, whichever side of the House it happens to beat. In these days it would at first blush be thought hopeless to persuade Parliament to create a new department which really serves no useful public purpose. Almost every solicitor as well as every other person possessing a practical knowledge of the subject, knew from the outset that the new red-tape system of conveyancing, introduced by the Act of 1897, was a system which would work solely in the interests of officialdom, and against the interests of the public. The Act has only been in partial operation in London since the 1st of January, 1899, and already 150 persons are employed in embarrassing transactions and levying toll upon every person who buys or mortgages property in certain parts of London. The result has been to add quite 25 per cent. to the costs of carrying out small transactions—those not exceeding £1,000 for instance. According to a return issued last month in respect of the Land Registry, it appears that the fees for the year ending the 31st of March, extracted from the pockets of persons forced against their will to go to the office, amounted to over £35,000. It may be safely asserted that not one person who contributed to this sum has, so far as one can humanly judge, derived an atom of benefit from the payment. Doubtless, if you inquired of any one of the 150 officials, you would be told the benefit will accrue in some indefinite number of years, but no proof can be given of the faith they profess. The *Times*, in a leading article that appeared in its issue of the 2nd of July last, says: "In these circumstances it is quite unjustifiable to impute partisan motives to everyone who declines to accept without demur the optimistic official assurances which are so common and so profuse upon all official transactions as to have lost whatever efficacy they once possessed." It is right to say, however, that the article in which the extract I have read appeared applied to the War Office. The Land Registry was evidently not thought of, as a few days later the *Times*, in referring to the Land Transfer Act, speaks of it as an "honest" attempt to improve conveyancing. Honest, forsooth! What an insight the use of this word gives of the difficulty even the most liberal and enlightened critic has to get away from an atmosphere of imagination when he deals with a subject of which he does not possess a practical knowledge. Is it not passing strange that the same individual who recognizes the evil of officialdom in every other department of State is yet able to persuade himself that it is no longer evil when applied to legal affairs? Our Council certainly cannot recall with any satisfaction the part they played when the Bill was before Parliament. Convinced that the measure was absolutely bad, and would throw our system of conveyancing back into the state of confusion from which it was rescued by Lord Cairns's far-seeing and statesmanlike Acts of 1881, our Council unfortunately deferred, in their traditional manner, to the views of the legal authorities, and in an evil moment withdrew their opposition to the Bill. I may be told that the Council had really no choice in the matter, as both sides of the House were determined to have the Act, and that by withdrawing their opposition the Council were able to introduce safeguards, under which the Act is limited in its operation to London, and is only passed for an experimental period of three years. Both safeguards are, I believe, wholly illusory. The limitation of the Act to London is, I conceive, a misfortune. Had the Act applied to the whole country there would have been such an outcry, and the Act would have been found on all hands so preposterous, that it would, I firmly believe, have been repealed ere this. The value of the three years' experiment may be gauged by the fact that, although the Act has not been in operation two years, the authorities carried last session through Parliament an Act to raise £265,000 public

money to erect a permanent registry office. While that measure was before Parliament I personally communicated with over 100 members, asking that a few questions I framed might, before the Bill was allowed to pass, be put to the Government. The members included several members on the council of the Land Law Reform Association. Many members agreed that my questions were proper ones, but they frankly admitted that they knew nothing of the subject, and had not the time to go into the merits, and that in any case it was hopeless to stop the measure. After such an experience one has an excuse for endorsing the views of the cynic who asserted that the world did not know with what little wisdom it was governed. Parliament was induced to pass the Act of 1897 on official representations that the system of registration of title created by the Act was in effect similar to systems that worked admirably in other countries, and that it would simplify and cheapen the transfer of property. These representations are the exact converse of the truth. The system is wholly different from any of the excellent systems in operation elsewhere, and the promised simplicity and cheapness are being daily proved to be merely figments of vivid imaginations. We may be sure, nevertheless, that the whole strength of the authorities and the officials will be put forth to prevent anything approaching an independent inquiry being instituted next year, when the experimental period of three years expires. However hopeless the outlook appears, it is still our bounden duty—a duty which comes home in particular to solicitors who, like myself, practice in London, and consequently see almost daily clients chafing under the burden so wantonly put upon them—to use in the interests of the public every possible means to ensure the appointment of a competent committee of inquiry. The members of this society will look to the Council to strenuously carry out this duty without fear or favour. If further proof is required of the truth of my contention that the Council travels along only beaten tracks I can instance the fact that since I have been a member of the society, now nearly a quarter of a century, I cannot call to mind any change of any moment that has taken place to render the society of new use to its members. Many suggestions have from time to time been made calculated to bring the members more frequently together and to encourage that *esprit de corps* so characteristic of other professions but so lamentably absent in ours. This paper would extend to unreasonable limits if I dealt here in detail with the many suggestions that have been made for improving matters. I venture, however, to suggest that a committee might with the greatest advantage be appointed to consider how the society's sphere of usefulness can best be enlarged, and I trust this suggestion will take a practical shape at this meeting. There is one overshadowing reform to be brought about which I consider essential if our profession is ever to take its proper position in the body politic. The reform I allude to is the need of every solicitor on the rolls being a member of the society. At present, membership being purely voluntary, only about 8,000, or one-half of the solicitors practising in England and Wales, are members. One-half of the number is thus under professional control when all should be. The responsibilities of our profession are so great and interests entrusted to us are so vast that no safeguards can be devised to make the performance of our duties correspond with the highest standard of honour should be omitted. Solicitors, in addition to being, like all other persons, amenable to the ordinary law of the land, are as officers of the court also answerable to an exceptional jurisdiction. Offences there may, however, be which if committed by a solicitor prove him unworthy of his position, and yet possibly the offences may be of such a character as not to bring him within reach of either of the tribunals referred to. If every solicitor had to be a member of the society it must of necessity be entrusted with the power of dealing with members who have proved themselves unworthy, and thus a new safeguard for the protection of the public would be introduced. At the present time our annual income from regular sources is not sufficient to cover our outgoings, and since the year 1897 the Government has made the society an annual grant. It is, I submit, wholly inconsistent with our independence to be year by year dependent for a grant on the good humour of the Government. One admirable result, therefore, that I conclude would follow the passing of an Act making it compulsory on all solicitors to be members of the society would be that a fixed proportion of the annual fees and duties now levied by the Government on solicitors, amounting to £180,000 per annum, would be allocated to the society. By this means our society would be placed on a sound financial basis, a position it has probably not occupied within the recollection of the oldest member present. It is probable that I may be reminded that in the view of many our society and our profession have recently been weighed and found wanting, and that consequently the present is not a good moment to bring forward proposals for increasing the society's power and influence. That there have recently been some most deplorable failures in our profession no one can dispute. No one suffers more from the after-effects of these failures than we do, and no body of men can be more anxious than we are to do all in our power to bring them to an end. If, however, the facts are looked at fairly, it will be found that the number of failures this year are quite exceptional, and do not at all justify the gross exaggerations and inventions in which some catchpenny journals, playing after the manner of their kind to the gallery, habitually indulge. According to the report of the Inspector-General in Bankruptcy issued last August there have been 359 receiving orders against solicitors during the last nine years, or a yearly average of 40. Taking the yearly average number of solicitors over the same period at 14,000 (this year they number about 16,000) the number of failures works out at '3 per cent. If the figures could be worked out in the same way in respect to any other profession or calling I wonder which of them could shew such a comparatively small percentage. It is essential that solicitors, to whom of necessity are entrusted concerns the most important and vital to the individual and to the community, should in the public interest be reasonably remunerated.

The obvious fact does not, however, seem to occur to or influence anyone. We may certainly be excused if we do not agree with the views apparently held by many that failures can be prevented if only professional remuneration can be cut down sufficiently. It is not alone the thoughtless who are infected with such views, but they are also seemingly shared by men of education filling judicial or other high positions, and who are themselves drawing large incomes from public sources. Human nature being fallible there have in every stage of history been persons occupying the highest positions who have betrayed the trust reposed in them. Even in our own time we can call to mind instances of prominent public men to whom these words apply. Notwithstanding, however, all that has been written and said, I still believe that the great mass of educated people look upon solicitors as members of a noble profession, and have still, and have rightly, every confidence in their legal advisers. To earn and retain this public confidence is, I am convinced, the aim and object of every member present, recognising as we do to the full our duty as expressed in the poet's words—

"To thine own self be true,
And it must follow as the night the day
Thou canst not then be false to any man."

If the members of our Council will in their representative capacity take to heart and act in whole sympathy with all that these words imply, we may look forward with absolute confidence to our society entering in the dawning century upon a new life of progress, prosperity, and public usefulness.

Mr. W. MELMOTH WALTERS was sorry the quiet meeting had been broken up by one of those attacks upon the Council which savoured of the Hall of the Law Society. He urged that the Council had done a great deal in the past and were still doing everything in their power; but they could not do anything beyond their power. He replied to a great many of the statements made in the paper. He hoped the Council would continue to act on the traditional lines they had adopted, which had been of the highest character.

Mr. HARVEY CLIFTON suggested that there should be Presidential receptions at which every member of the society should be entitled to be present. This would promote good feeling between the members and the Council.

Mr. J. WREFOED BUDD pointed out the difficulty of getting the reforms advocated in the paper carried out, though the Council were in favour of many of them.

Mr. J. H. COOKE and Mr. A. S. MATHER (Liverpool) having spoken, Mr. MANISTY said he did not look upon the paper in the serious light Mr. Walters had done. If Mr. Rubenstein had been on the Council he would have known that these matters were carefully watched by committees and otherwise.

Mr. RUBINSTEIN having replied,

The CHAIRMAN said that, so far from regarding the paper in the light of a personal attack, he welcomed it, and hoped that members would be more and more in the habit of expressing their views openly to one another.

SOLICITORS' BOOK-KEEPING.

Mr. WILLIAM GODDEN (London) had written a paper upon this subject, which we hope to print hereafter. Mr. Godden was not, however, able to be present, and the CHAIRMAN said the paper would be circulated.

VOTES OF THANKS.

A number of votes of thanks to the Mayor and Mayoress, the Dorset Law Society, and others who had assisted in making the meeting a success were adopted.

BANQUET.

A banquet was held at the Royal Hotel in the evening, Mr. Alfred Pope (president of the Dorset Law Society) taking the chair. About 100 guests sat down. After the loyal toasts,

Mr. HENRY MANISTY proposed the health of "The Mayor and Corporation of Weymouth," the MAYOR responding.

Col. BRYMER, M.P., proposed "The Incorporated Law Society of the United Kingdom."

THE PRESIDENT OF THE INCORPORATED LAW SOCIETY, in returning thanks, said that the interests of the society required that they should visit every part of the country, and not only the large centres, in order that they might carry into every part the feeling of vital connection with the society which it was one of the main objects of these meetings to promote. He was entirely of opinion that the prosperity, success, and usefulness of the parent society mainly depended upon their being able from time to time to put themselves in touch as on such an occasion as this with their brethren in the provinces. So far as in them lay, every effort should be made to maintain the integrity and honour of the profession.

Mr. W. MELMOTH WALTERS gave the health of "The Dorset Law Society," the CHAIRMAN responding; and the health of the joint honorary secretaries, Mr. Howard Bowen and Mr. Wilkinson, was given from the chair, and acknowledged by those gentlemen.

EXCURSIONS.

On the afternoon of Wednesday there was an excursion by steamer to Lulworth, and on Thursday a visit was paid to Whitehead's Torpedo Works, H.M. Training ships and H.M.S. "Alexandra," Portland Quarries and Lighthouses.

SOLICITORS' BENEVOLENT ASSOCIATION.

The annual meeting of the Solicitors' Benevolent Association was held in connection with the provincial meeting of the Incorporated Law Society at the Sidney Hall, Weymouth, on Wednesday morning. Mr. R. W. TWEDDIE (London, chairman of the Board of Management) presiding.

The report stated that the association had now 3,466 members enrolled (compared with 3,473 last year), of whom 1,199 were life and 2,267 annual subscribers. Sixty-eight of the annual subscribers were in addition life members of the association. During the year Mr. Henry John Ware (York) had resigned the office of director, and his son, Mr. John Tatham Ware (York), had been elected in his place. Mr. Walter Trower (London) had also been elected a director. The net gain from the annual festival was £1,089 6s. 8d. The total capital of the association now consisted of £52,788 4s. 9d. stock (compared with £51,590 16s. 1d. last year), in addition to the sum of £5,368 18s. 6d. stock pertaining to the Reardon Bequest. During the year 198 grants had been made from the funds, amounting to £4,445. Of this sum 8 members and 37 members' families had received £2,050, an average of about £45 per grant, while 29 non-members and 124 non-members' families had received £2,395, an average of about £15 per grant. The sum of £175 was also paid to annuitants from the income of the late Miss Ellen Reardon's Bequest; £28 to the recipients of the "Hollams Annuity, No. 1"; £30 to the recipient of the "Hollams Annuity, No. 2"; and £30 to the recipient of the "Victoria Jubilee Annuity (1887)." The sum of £240 was also paid to the seven pensioners from the "Victoria Pension Fund." The total relief granted during the year therefore amounted to £4,948, compared with £5,113 last year.

The CHAIRMAN, in moving the adoption of the report, advocated the building up of a strong reserve fund, but other members, amongst whom were Mr. W. MELMOTH WALTERS (London), spoke in favour of meeting the wants of the present rather than laying up funds for the future.

The report was unanimously adopted.

UNITED LAW SOCIETY.

The first meeting of this society for the present session was held on Monday last, Mr. G. W. Elliman being in the chair. The election of officers took place. On Monday next Mr. A. C. Foster Boulton will move: "That this house has no confidence in the present Government."

LAW STUDENTS' JOURNAL.

LAW STUDENTS' SOCIETIES.

LAW STUDENTS' DEBATING SOCIETY.—Oct. 23.—Chairman, Mr. J. D. A. Johnson.—The subject for debate was: "That this house views with suspicion the action of Russia in withdrawing her troops from Pekin." Mr. G. H. Daniell opened in the affirmative. Mr. W. Ball opened in the negative. Messrs. Frank Stevens, Balliol Scott, A. W. Hibbit, C. A. Hopkinson, Pleadwell, A. H. Holland, Frank Samuel, Ernest Hepburn, J. T. Goddard, J. Harry Jones, Hugh Rendell, Bryant. The motion was lost by one vote.

BIRMINGHAM LAW STUDENTS' SOCIETY.—Oct. 23.—Mr. Robert Noble, barrister-at-law, presiding.—Mr. Dalzell Chalmers, barrister-at-law, of London, delivered a lecture on "The Liability of an Innkeeper," in which he dealt most clearly with the law on the subject. A hearty vote of thanks was passed to Mr. Chalmers at the conclusion of the lecture.

LEGAL NEWS.

APPOINTMENT.

Mr. J. F. P. RAWLINSON, Q.C., has been appointed by the Duke of Devonshire, Chancellor of Cambridge University, to be Commissary of the University, in succession to the late Mr. Forsyth, Q.C.

CHANGES IN PARTNERSHIP.

Mr. T. S. PRESTON, the senior partner in the firm of Messrs. Preston, Stow, & Preston, of 35, Lincoln's-inn-fields, London, finds that the state of his health compels him to retire from the business with which he has been for forty-three years connected. The continuing partners will be Mr. M. H. Stow and Mr. C. S. Preston.

GENERAL.

The Old Hall, Lincoln's-inn, has been redecorated during the Long Vacation, and the Michaelmas lectures in connection with the Council of Legal Education will be commenced there on Wednesday next, and will be continued until the 1st of December.

A solicitor's office boy, says the *Evening News*, found in the Law Courts a purse containing £128 6s. 8d. in notes, cheques, and gold. Taking the purse to the address of the owner found inside—an office in Lincoln's-inn-fields—the boy for his honesty was rewarded with twopence!

The oldest lawyer in active practice in the United States is, says the *Albany Law Journal*, the Hon. Benjamin D. Silliman, who, on the 14th inst., celebrated his ninety-fifth birthday at his estate near Babylon, Long Island. On that day the venerable lawyer and old-time Republican leader was the recipient of many congratulatory telegrams, among which was this one: "Yale sends congratulatory telegram to Benjamin D. Silliman, Brooklyn, oldest living graduate."

Sir George Lewis, in the course of a letter to the *Times* of Thursday, acrimoniously attacking the Council of the Incorporated Law Society, whom he describes as "a very conservative body of men... a body of men so jealous

of any suggestion of reform that they have carried their conservatism in some respects to a point approaching blindness," says, "I should have been glad to hear from the president a statement that a scheme put forward last year and receiving the support of several members of the Council had been finally dropped. I allude to one by which the Council sought to obtain for themselves the right to strike solicitors off the rolls, a duty now performed by her Majesty's judges in the open court. I believe that the late Lord Chief Justice was strongly opposed to this proposal, and for my own part I informed those members of the Council to whom I spoke on the subject that I should use whatever small influence I had against the scheme. Although no reference was made to this proposal in the presidential address, the official announcement of its abandonment would, I feel sure, be welcome to many solicitors and to the public, who would doubtless prefer that criminal offences should be dealt with in open court rather than adjudicated upon in a private room in Chancery-lane."

At the opening of the sittings in the Court of Appeal, after the ceremony of administering the oath to the Lord Chief Justice had been performed, the Lord Chancellor, addressing the Attorney-General, the members of the bar standing, said: "Since the courts last met it has pleased God to afflict us with a calamity; and, although this is not the time or the occasion when we would say all that we would wish to say about that bright and too short career, I think such an event should not pass without its being noticed, and without some indication of our deep grief at this calamity. I say perhaps this is not the occasion on which one would say all that might be said upon that career, because we are, so to speak, gathered round the grave of a dear friend. On such an occasion as that we think less of the great intellectual gifts which that learned judge possessed than of the kindly spirit which he exhibited to all who came within the sphere of his influence. We think of him rather as one who was endeared to us either by family ties or by the ties of affection. We think of him as a friend. No doubt when the time comes for his history to be written, those great intellectual gifts of which he was possessed will form the chief topic of the historian, but in the present grief this is not the most appropriate occasion on which to speak at any length on those great gifts. When that history comes to be written, I believe it will be difficult for the historian to do adequate justice to the ardent and unswerving desire to get at the truth, the indefatigable determination to see that right should be done, and the unflinching determination that, so far as he was concerned, nothing should be wanting in the administration of justice to get at the truth of each case and to ensure that justice should be done. The Attorney-General, in the course of an address on behalf of the bar, said: In him we have lost a consummate advocate, a great judge, and a true friend. The bar recognize that in him we had perhaps the most commanding personality that has ever adorned our great profession. By common consent no one was more desired as a colleague or more dreaded as an antagonist. His forensic eloquence recalls what was said of the greatest orator and advocate of all times, that his dominant characteristic was reason penetrated and made red-hot by passion. Possibly the splendour of his fame as an advocate has to the general public somewhat obscured his great eminence as a lawyer; but all who had the best opportunities of observation know that in grasp of legal principles he had few rivals. When he left the bar for the bench no one who even casually saw him at work as a judge could fail to be impressed by the combination of power and dignity—dignity which was but the appropriate embodiment and expression of great powers concentrated on the great task of getting at the truth. On the bench, as at the bar, Lord Russell never grudged any time or any labour necessary to enable him to master all the ramifications of fact and all the problems of law which the case presented."

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

ROTA OF REGISTRARS IN ATTENDANCE ON				
Date.	APPEAL COURT No. 2.	Mr. Justice STIRLING.	Mr. Justice KEEWICH.	
Monday, Oct. 29	Mr. Farmer	Mr. Godfrey	Mr. Pemberton	
Tuesday 30	King	Leach	Jackson	
Wednesday 31	Farmer	Godfrey	Pemberton	
Thursday, Nov. 1	King	Leach	Jackson	
Friday 2	Farmer	Godfrey	Pemberton	
Saturday 3	King	Leach	Jackson	
Date.	Mr. Justice BYRNE.	Mr. Justice COHEN-HARDY.	Mr. Justice FARWELL.	Mr. Justice BUCKLEY.
Monday, Oct. 29	Mr. Church	Mr. Pugh	Mr. Lavis	Mr. Beal
Tuesday 30	Greswell	Beal	Carrington	Pugh
Wednesday 31	Church	Pugh	Lavis	Leach
Thursday, Nov. 1	Greswell	Beal	Carrington	Godfrey
Friday 2	Church	Pugh	Lavis	King
Saturday 3	Greswell	Beal	Carrington	Farmer

MICHAELMAS SITTINGS, 1900.

COURT OF APPEAL.		
APPEAL COURT II.		
The General List and Appeal Motions from the Chancery, and Probate, Divorce, and Admiralty Divisions, and the County Palatine and Stannaries Courts, and Appeals in Bankruptcy and Lunacy.		Thursday .. 25 .. Chan gen list
		Friday 26 .. Bkcy and Chan gen list
		Saturday 27 ..
		Monday 29 .. Chancery gen list
		Tuesday 30 ..
		Wednesday 31 .. App motns ex pte—ordl motns—apps from ordls made on app motns (sep list), and Chan gen list if required
Wed., Oct. 24	(App motns ex pte—ordl motns—apps from ordls made on appeal motns (sep list), and Chan General List if required)	Thurs., Nov. 1 .. County Palatine apps and Chan gen list
		Friday 2 .. Bkcy and Chan gen list

Saturday ... 3 } Chan gen list
 Monday ... 6 }
 Tuesday ... 8 }
 Wednesday 7 } App motns ex pte—ordl
 motns—apps from ords made
 on appeal mota (sep
 list), and Chan gen list if
 required
 Thursday ... 8 } Chan gen list
 Friday ... 9 } Rkey and Chan gen list
 Saturday ... 10 }
 Monday ... 12 } Chan gen list
 Tuesday ... 13 }
 Wednesday 14 } App motns ex pte—ordl
 motns—apps from ords made
 on appeal mota (sep
 list), and Chan gen list if
 required
 Thursday ... 16 } Chan gen list
 Friday ... 16 } Rkey and Chan gen list
 Saturday ... 17 }
 Monday ... 19 } Chan gen list
 Tuesday ... 20 }
 Wednesday 21 } App motns ex pte—ordl
 motns—apps from ords made
 on appeal mota (sep
 list), and Chan gen list if
 required
 Thursday ... 22 } Chan gen list
 Friday ... 23 } Rkey and Chan gen list
 Saturday ... 24 }
 Monday ... 26 } Chan gen list
 Tuesday ... 27 }
 Wednesday 28 } App motns ex pte—ordl
 motns—apps from ords made
 on appeal mota (sep
 list), and Chan gen list if
 required
 Thursday ... 29 } Chan gen list
 Friday ... 30 } Rkey and Chan gen list
 Saturday ... 31 }
 Monday ... 3 } Chan gen list
 Tuesday ... 4 }
 Wednesday 5 } App motns ex pte—ordl
 motns—apps from ords made
 on appeal mota (sep
 list), and Chan gen list if
 required
 Thursday ... 6 } Chan gen list
 Friday ... 7 } Rkey and Chan gen list
 Saturday ... 8 }
 Monday ... 10 } Chan gen list
 Tuesday ... 11 }
 Wednesday 12 } App motns ex pte—ordl
 motns—apps from ords made
 on appeal mota (sep
 list), and Chan gen list if
 required
 Thursday ... 13 } Chan gen list
 Friday ... 14 } Rkey and Chan gen list
 Saturday ... 15 }
 Monday ... 17 } Chan gen list
 Tuesday ... 18 }
 Wednesday 19 } App motns ex pte—ordl
 motns—apps from ords made
 on appeal mota (sep
 list), and Chan gen list if
 required
 Thursday ... 20 } Chan gen list
 Friday ... 21 }
 N.B.—Lunacy Matters (if any) are taken
 in Appeal Court II. on every Monday
 at Eleven until further notice. Admiralty
 Appeals will be taken in Appeal Court II.
 on days to be appointed by the Court.

APPEAL COURT I.

Final and interlocutory appeals from the
 Queen's Bench Division.

Wed., Oct. 24 } App motns ex pte—ordl
 mota, and apps from ords
 made on interlocutory mota

N.B.—The Appeals or other Business pro-
 posed to be taken in Appeal Court I. will
 from time to time, be announced in the
 Daily Cause List.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

CHANCERY COURT I.

Mr. JUSTICE STIRLING.

Wed., Oct. 24. Motions
 Thursday ... 25. General paper
 Friday ... 26. Motns, adj sums, and gen pa
 Saturday ... 27. Sht caus, pte, adj sums, &
 gen pa
 Monday ... 29. Sitting in chambers
 Tuesday ... 30. General paper
 Wednesday 31. General paper
 Thurs., Nov. 1 }
 Friday ... 3. Motns, adj sums, and gen pa
 Saturday ... 4. Sht caus, pte, adj sums,
 and gen pa
 Monday ... 5. Sitting in chambers
 Tuesday ... 6. General paper
 Wednesday 7. General paper
 Thursday ... 8 }
 Friday ... 9. Motns, adj sums, and gen pa
 Saturday ... 10. Sht caus, pte, adj sums, &
 gen pa
 Monday ... 12. Sitting in chambers

Tuesday ... 13 }
 Wednesday 14 } Witness actions
 Thursday ... 16 }
 Friday ... 16 } Urgent mota and wit acts
 Saturday ... 17 } Witness actions
 Monday ... 19 } Sitting in chambers
 Tuesday ... 20 }
 Wednesday 21 } Witness actions
 Thursday ... 22 }
 Friday ... 23 } Urgent mota and wit acts
 Saturday ... 24 } Witness actions
 Monday ... 25 } Sitting in chambers
 Tuesday ... 27 }
 Wednesday 28 } General paper
 Thursday ... 29 }
 Friday ... 30 } Motns, adj sums, and gen pa
 Sat., Dec. ... 1 } Sht caus, pte, adj sums,
 and gen pa
 Monday ... 3. Sitting in chambers
 Tuesday ... 4 }
 Wednesday 5 } General paper
 Thursday ... 6 }
 Friday ... 7 } Motns, adj sums, and gen pa
 Saturday ... 8 } Sht caus, pte, adj sums,
 and gen pa
 Monday ... 10 } Sitting in chambers
 Tuesday ... 11 }
 Wednesday 12 } General paper
 Thursday ... 13 }
 Friday ... 14 } Motns, adj sums, and gen pa
 Saturday ... 15 } Sht caus, pte, adj sums, &
 gen pa
 Monday ... 17 } Sitting in chambers
 Tuesday ... 18 }
 Wednesday 19 } General paper
 Thursday ... 20 }
 Friday ... 21 } Motns, adj sums, and gen pa

Any cause intended to be heard as a short
 cause must be so marked in the cause
 book at least one clear day before the
 same can be put in the paper to be so
 heard, and the necessary papers, includ-
 ing minutes of the proposed judgment or
 order, must be left with the judge's clerk
 one clear day before the cause is to be
 put into the paper.

N.B.—Witness Actions may be taken on
 days other than those above stated. Of
 these due notice will be given.

CHANCERY COURT IV.

Mr. JUSTICE KEKEWICH.

The following will be the Order of Busi-
 ness:—

Monday—Unopposed Petitions and Cham-
 ber Summonses.

Tuesday—Short Causes and other Busine s
 as announced in Daily Cause List.

Wednesday and Thursday—Such Business
 as announced in Daily Cause List.

Friday—Motions and other Business an-
 nounced in Daily Cause List.

Friday, Dec. 14, is the last day for which
 notice of Motion may be given without
 special leave.

N.B.—The first day of the Sittings, Wed-
 nesday, Oct. 24, will also be a Motion day.

Saturday—Such Business as from time to
 time announced in Daily Cause List.

SPECIAL NOTICE RESPECTING PETITIONS
 AND SHORT CAUSES.

Unopposed Petitions dealing with Funds in
 Court will, unless otherwise ordered, be
 heard on Monday before the Chamber
 Summonses.

Other Petitions will be taken in Court on
 days from time to time appointed for the
 purpose.

Short Causes will be put into Tuesday's
 List on the necessary papers (including
 minutes) being left with the Judge's
 Clerk.

LORD CHANCELLOR'S COURT.

Mr. JUSTICE FARWELL.

Actions transferred for Trial or Hearing
 only will be taken in the order in the
 Cause List on every day of the Sittings,
 from Oct. 24 to Dec. 21, both inclusive
 (except on days on which Liverpool and
 Manchester work is taken).

Business in the Liverpool and Manchester
 District Registries will be taken as
 follows:—

Motions, Short Causes, Petitions, and
 Adjourned Summonses on every other
 Saturday, commencing with Saturday,
 Nov. 3.

Summonses in Chambers on every other
 Saturday, commencing with Saturday,
 Nov. 3.

Mr. JUSTICE BUCKLEY.

Actions transferred for Trial or Hearing
 only will be taken in the order in the
 Cause List on every day of the Sittings,
 from Oct. 24 to Dec. 21, both days in-
 clusive.

CHANCERY COURT II.

Mr. JUSTICE BYRNE.

Wed., Oct. 24. Motions
 Thursday ... 25. Non wit list
 Friday ... 26. Motns and non wit list
 Saturday ... 27. Sht caus, pte, procedure
 sums, and non wit list
 Monday ... 29. Sitting in chambers
 Tuesday ... 30 }
 Wednesday 31 } Non wit list
 Thurs., Nov. 1 }
 Friday ... 3. Motns and non wit list
 Saturday ... 4 } Sht caus, pte, procedure
 sums, and non wit list
 Monday ... 5. Sitting in chambers
 Tuesday ... 6 }
 Wednesday 7 } Non wit list
 Thursday ... 8 }
 Friday ... 9. Motns and non wit list
 Saturday ... 10 } Sht caus, pte, procedure
 sums, and non wit list
 Monday ... 12. Sitting in chambers
 Tuesday ... 13 }
 Wednesday 14 } Witness list
 Thursday ... 15 }
 Friday ... 16. Urgent mo's and wit list
 Saturday ... 17. Witness list
 Monday ... 19. Sitting in chambers
 Tuesday ... 20 }
 Wednesday 21 } Witness list
 Thursday ... 22 }
 Friday ... 23. Urgent mota and wit list
 Saturday ... 24. Witness list
 Monday ... 25. Sitting in chambers
 Tuesday ... 26 }
 Wednesday 27 } Non wit list
 Thursday ... 28 }
 Friday ... 29. Motns and non wit list
 Saturday ... 30 } Sht caus, pte, procedure
 sums, and non wit list
 Monday ... 3. Sitting in chambers
 Tuesday ... 4 }
 Wednesday 5 } Non wit list
 Thursday ... 6 }
 Friday ... 7. Motns and non wit list
 Saturday ... 8 } Sht caus, pte, procedure
 sums, and non wit list
 Monday ... 10. Sitting in chambers
 Tuesday ... 11 }
 Wednesday 12 } Non wit list
 Thursday ... 13 }
 Friday ... 14. Motns and non wit list
 Saturday ... 15 } Sht caus, pte, procedure
 sums, and non wit list
 Monday ... 17. Sitting in chambers
 Tuesday ... 18 }
 Wednesday 19 } Non wit list
 Thursday ... 20 }
 Friday ... 21. Motns and non wit list

Any cause intended to be heard as a short
 cause must be so marked in the cause
 book at least one clear day before the
 same can be put in the paper to be so
 heard. Two copies of minutes of the
 proposed judgment or order must be left
 in court with the judge's clerk one clear
 day before the cause is to be put in the
 paper.

HIGH COURT OF JUSTICE, QUEEN'S BENCH DIVISION.

MASTERS IN CHAMBERS FOR MICHAELMAS SITTINGS, 1900.

A to F—Mondays, Wednesdays, and Fridays, Master Kaye; Tuesdays,
 Thursdays, and Saturdays, Master Archibald until the 8th of November
 inclusive, after that date Master Pollock.

G to N—Mondays, Wednesdays, and Fridays, Master Macdonell;
 Tuesdays, Thursdays, and Saturdays, Master Lord Dunboyne.

O to Z—Mondays, Wednesdays, and Fridays, Master Wilberforce;
 Tuesdays, Thursdays, Saturdays, Master Manley Smith.

A to F—All applications by summons or otherwise in actions assigned to
 Master Johnson are to be made returnable before him in his own Room,
 No. 110, at 11.30 a.m., on Mondays, Wednesdays, and Fridays.

G to N—All applications by summons or otherwise in actions assigned to
 Master Walton are to be made returnable before him in his own Room,
 No. 175, at 11.30 a.m., on Mondays, Wednesdays, and Fridays.

O to Z—On and after the 13th of November, all applications by summons
 or otherwise in actions assigned to Master Archibald will be made return-
 able before the Masters of this Division.

The parties are to meet in the ante-room of Masters' Chambers, and
 the summonses will be inserted in the printed list for the day after the
 summonses to be heard before the Master sitting in Chambers, and will be
 called over by the attendant on the respective rooms for a first and second
 time at 11.30, and will be dealt with by the Master in the same manner as
 if they were returnable at Chambers.

By ORDER OF THE MASTERS.

N.B.—The following Papers on Further
 Consideration are required for the use of
 the Judge, viz.:—Two Copies of Minutes
 of the proposed Judgment or Order, 1
 Copy Pleadings, and 1 Copy Chief Clerk's
 Certificate, which must be left in Court
 with the Judge's Clerk one clear day
 before the Further Consideration is ready
 to come into the paper.

CHANCERY COURT III.

Mr. JUSTICE COZENS-HARDY.

Wed., Oct. 24. Motions
 Thursday ... 25. General paper
 Friday ... 26. Motns and adj sums
 Saturday ... 27. Sht caus, pte, fur cons, &
 adj sums
 Monday ... 29. Sitting in chambers
 Tuesday ... 30 }
 Wednesday 31 } Witness actions
 Thurs., Nov. 1 }
 Friday ... 3. Urgent mota and wit acts
 Saturday ... 4. Witness actions
 Monday ... 5. Sitting in chambers
 Tuesday ... 6 }
 Wednesday 7 } Witness actions
 Thursday ... 8 }
 Friday ... 9. Urgent mota and wit acts
 Saturday ... 10. Witness actions
 Monday ... 12. Sitting in chambers
 Tuesday ... 13 }
 Wednesday 14 } General paper
 Thursday ... 15 }
 Friday ... 16. Motns and adj sums
 Saturday ... 17. Sht caus, pte, fur cons, &
 adj sums
 Monday ... 19. Sitting in chambers
 Tuesday ... 20 }
 Wednesday 21 } General paper
 Thursday ... 22 }
 Friday ... 23. Motns and adj sums
 Saturday ... 24. Sht caus, pte, fur cons, &
 adj sums
 Monday ... 26. Sitting in chambers
 Tuesday ... 27 }
 Wednesday 28 } General paper
 Thursday ... 29 }
 Friday ... 30. Motns and adj sums
 Saturday ... 31. Sht caus, pte, fur cons, &
 adj sums
 Monday ... 3. Sitting in chambers
 Tuesday ... 4 }
 Wednesday 5 } General paper
 Thursday ... 6 }
 Friday ... 7. Motns and adj sums
 Saturday ... 8. Sht caus, pte, fur cons, &
 adj sums
 Monday ... 10. Sitting in chambers
 Tuesday ... 11 }
 Wednesday 12 } General paper
 Thursday ... 13 }
 Friday ... 14. Motns and adj sums
 Saturday ... 15. Sht caus, pte, fur cons, &
 adj sums
 Monday ... 17. Sitting in chambers
 Tuesday ... 18 }
 Wednesday 19 } General paper
 Thursday ... 20 }
 Friday ... 21. Motns and adj sums

Any cause intended to be heard as a short
 cause must be so marked in the cause
 book at least one clear day before the
 same can be put in the paper to be so
 heard. Two copies of minutes of the
 proposed judgment or order must be left
 in court with the judge's clerk the day
 before the cause is to be put in the paper.

If witness actions can be taken on any
 days other than those appointed, due
 notice will be given.

HIGH COURT OF JUSTICE.—QUEEN'S BENCH DIVISION.

MICHAELMAS SITTINGS, 1900.

Exits.	Lord Chief Justice.	Mathew, J.	Day, J.	Wills, J.	Grantham, J.	Lawrence, J.	Wright, J.	Bruce, J.	Kennedy, J.	Ridley, J.	Bigham, J.	Darling, J.	Charnell, J.	Phillimore, J.	Buckhill, J.
1900.															
October 24															
" 25															
" 26															
November 1															
" 6															
" 8															
" 10															
" 15															
" 24															
" 30															
December 3															
" 13															
" 16															
" 21															

The Business of the Courts will be taken in accordance with the Judges' Resolutions of May 24, 1894. The Judges named to sit in Divisional Court will, whenever it becomes necessary, sit at Nisi Prius.

Two of Her Majesty's Judges, yet to be selected, will attend the November and December Sessions of the Central Criminal Court.

CIRCUITS OF THE JUDGES.

The following Judges will remain in Town :—The Lord Chief Justice of England, Mathew, J., Day, J., Wills, J., Kennedy, J., and Phillimore, J., during the whole of the Circuits; the other Judges till their respective Commission Days.

Commission Days.	N. EASTERN.	OXFORD.	MIDLAND.	S. EASTERN.	WESTERN.	N. & S. WALES AND CHESTER.	NORTHERN.
Thursday Oct. 26	Grantham, J.	Lawrence, J.	Charnell, J.	Bruce, J.	Ridley, J.	Bigham, J.	Darling, J.
Friday Oct. 27	Wright, J.	Reading	Aylesbury	Cambridge	Salisbury	Carnarvon	Buckhill, J.
Saturday Oct. 28	Wright, J.	Oxford	Bedford	Norwich	Dorchester	Ruthin	
Sunday Oct. 29	Wright, J.	Worcester	Northampton	Leicester	Panama	Chester	
Monday Oct. 30	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Nov. 1	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Nov. 2	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Nov. 3	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Nov. 4	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Nov. 5	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Nov. 6	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Nov. 7	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Nov. 8	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Nov. 9	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Nov. 10	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Nov. 11	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Nov. 12	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Nov. 13	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Nov. 14	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Nov. 15	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Nov. 16	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Nov. 17	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Nov. 18	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Nov. 19	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Nov. 20	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Nov. 21	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Nov. 22	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Nov. 23	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Nov. 24	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Nov. 25	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Nov. 26	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Nov. 27	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Nov. 28	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Nov. 29	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Nov. 30	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Dec. 1	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Dec. 2	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Dec. 3	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Dec. 4	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Dec. 5	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Dec. 6	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Dec. 7	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Dec. 8	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Dec. 9	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Dec. 10	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Dec. 11	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Dec. 12	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Dec. 13	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Dec. 14	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Dec. 15	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Dec. 16	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Dec. 17	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Dec. 18	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Dec. 19	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Dec. 20	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Dec. 21	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Dec. 22	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Dec. 23	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Dec. 24	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Dec. 25	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Dec. 26	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Dec. 27	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Dec. 28	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Dec. 29	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Dec. 30	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Dec. 31	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Jan. 1	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Jan. 2	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Jan. 3	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Jan. 4	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Jan. 5	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Jan. 6	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Jan. 7	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Jan. 8	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Jan. 9	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Jan. 10	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Jan. 11	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Jan. 12	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Jan. 13	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Jan. 14	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Jan. 15	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Jan. 16	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Jan. 17	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Jan. 18	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Jan. 19	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Jan. 20	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Jan. 21	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Jan. 22	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Jan. 23	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Jan. 24	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Jan. 25	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Jan. 26	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Jan. 27	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Jan. 28	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Jan. 29	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Jan. 30	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Jan. 31	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Feb. 1	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Feb. 2	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Feb. 3	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Feb. 4	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Feb. 5	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Feb. 6	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Feb. 7	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Feb. 8	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Feb. 9	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Feb. 10	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Feb. 11	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Feb. 12	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Feb. 13	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Feb. 14	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Feb. 15	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
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Tuesday Feb. 21	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Feb. 22	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Feb. 23	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Feb. 24	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Saturday Feb. 25	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Sunday Feb. 26	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Monday Feb. 27	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Tuesday Feb. 28	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Wednesday Feb. 29	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Thursday Feb. 30	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	
Friday Feb. 31	Wright, J.	Gloucester	Leicester	Leicester	Exeter	Swansea	

COURT OF APPEAL.

MICHAELMAS SITTINGS, 1900.

APPEAL COURT I.—NOTICES.

Queen's Bench Interlocutory Appeals will be taken in Court I. on Wednesday, October 24, and afterwards on days to be announced in Daily Cause List.

Queen's Bench Final Appeals and New Trial Paper will be taken on days to be announced in Daily Cause List.

Appeals in Re The Workmen's Compensation Act will be taken in Court I. on days to be announced in the Daily Cause List.

APPEAL COURT II.—NOTICES.

N.B.—Appeal Motions from the Chancery and Probate and Divorce Divisions will be taken in Court II. on Wednesday, October 24, and afterwards on every Wednesday in the Sittings, and Bankruptcy Appeals will be taken on Friday, October 26, and following Fridays.

N.B.—Subject to Chancery Appeal Motions on Wednesdays, Chancery Final Appeals will be taken every day in Court II. until further notice.

N.B.—When the Chancery Appeal Motions are not enough for a day's Paper, Chancery Final Appeals will be added on Motion days.

N.B.—Probate and Divorce Final Appeals will be taken on a day to be appointed, of which notice will be given.

Admiralty Appeals (with Assessors) will be taken in Court II. on the days appointed by the Court, notice of which will be given.

Appeals from the Lancaster and Durham Palatine Courts will be taken in Court II.

FROM THE CHANCERY DIVISION, THE PROBATE, DIVORCE
AND ADMIRALTY DIVISION (PROBATE AND DIVORCE), AND
THE COUNTY PALATINE AND STANNARIES COURTS.

(General List.)

1899.

- In re Tiemann's Patent, AD, 1893, No 8736, &c and Patents, Designs, &c
Acts appl of patents Frans, Fritzsche & Co from order of Mr Justice
Cozens-Hardy, dated Aug 3, 1899 (security ordered March 14, 1900)
Aug 30
Foote v British Drying Co ld appl of debts from order of Mr Justice
Kekewich, dated Nov 10, 1899 (order to wind up debt co, dated April 4,
1900) Nov 21

1900.

- Hector v Pearce appl of debt W H Whiteway Wilkinson from order of
Mr Justice Farwell, dated Dec 14, 1899 Feb 9
Berton v Spratly appl of debt from order of Mr Justice Kekewich, dated
Dec 14, 1899 (security ordered) Feb 12
Schofield v Allen appl of pliff from order of Mr Justice Kekewich, dated
Feb 8, 1900 Feb 21
Anderson v Chipchase & Co appl of pliff from order of Mr Justice Byrne,
dated Nov 23, 1899 Feb 27
In re Terrey Pitter v Terrey appl of pliffs from order of Mr Justice
North, dated Nov 29, 1899 (not before June 25, 1900) March 1
In re McCullum McCullum v McCullum appl of debt M K J McCullum
from order of Mr Justice Kekewich, dated Feb 14, 1900 March 7
In re The J. L. Young Manufacturing Co ld Young v J L Young Manu-
facturing Co ld appl of Mark Asford from order of Mr Justice Stirling,
dated Feb 8, 1900 (produce order) March 8
In re The Borax Co, ld Foster v The Borax Co, ld appl of debts, The
Borax Co, ld, from order of Mr Justice Farwell, dated March 5, 1900
March 9
Brenchley v Higgings appl of debt from order of Mr Justice Farwell,
dated Feb 16, 1900 March 13
In re Ross Sartorius v Theobald appl of debts, J. Theobald and ors,
from order of Mr Justice Kekewich, dated Feb 1, 1900 Feb 23 In re
Ross Coles v Theobald appl of debts from order of Mr Justice
Kekewich, dated Feb 1, 1900 (to be heard together) March 13
British Motor Syndicate, ld v John Taylor & Sons, ld appl of debts from
order of Mr Justice Stirling, dated Feb 15, 1900 March 14
Ballard v Neal appl of pliff from order of Mr Justice Kekewich, dated
Dec 19, 1899 March 15
In re Grimston Burney v Street appl of debts, J. Street, jun, and ors,
from order of Mr Justice Byrne, dated Jan 22, 1900 March 16
Rooney v Stanton appl of pliff from order of Mr Justice Buckley, dated
Feb 16, 1900 March 16
In re C Turner, gent (one, &c) appl of C Turner from order of Mr Justice
Kekewich, dated Feb 23, 1900 March 17
Birmingham Breweries ld v Tompson appl of debt from order of Mr Jus-
tice Kekewich, dated Feb. 16, 1900 March 17
Hawtre v Bleasley appl of pliff from order of Mr Justice Cozens-
Hardy, dated Dec 20, 1899 March 19
In re The Durham Miners Assoc Watson v Cann appl of debt T.
Richardson from order of Mr Justice Cozens-Hardy, dated Feb 8, 1900
March 19
Gedge v Bartlett appl of pliff from order of Mr Justice Buckley, dated
Jan 29, 1900 March 20
Rucker v The London Electric Corporation ld appl of pliff from order of
Mr Justice Farwell, dated Feb 12, 1900 March 20
Stainton v Richardson appl of pliff from order of Mr Justice Kekewich,
dated Jan 25, 1900 March 21
Tyrer v Marshall appl of debts from order of Mr Justice Kekewich, dated
Feb 27, 1900 March 24
Presto Gear Case & Components Co ld v Orme, Evans, & Co ld appl of
debts from order of Mr Justice Farwell, dated Feb 22, 1900 March 26
The Saccharin Corp ld v The Chemical & Drugs Co ld appl of debts from
order of Mr Justice North, dated Dec 9, 1899 (produce order—security
ordered) March 27
The Saccharin Corp ld v The Anglo-Continental Chemical Works ld
appl of debts, Anglo-Continental Chemical Works ld, from order of Mr
Justice Buckley, dated April 6, 1900 (produce order) April 11 The
Saccharin Corp ld v The Anglo-Continental Chemical Works ld appl
of debt, R Reitmeyer, from order of Mr Justice Buckley, dated April 6,
1900 (produce order) to be tried together April 12
In re Harvey Harvey v Harvey appl of pliff, Richard Baker Gabb, from
order of Mr Justice Kekewich, dated March 13, 1900 (produce order)
March 27
The London General Omnibus Co ld v Lavell appl of debt from order of
Mr Justice Farwell, dated March 3, 1900 March 27
In re the Companies Acts, 1862 to 1890, and In re the London Contract
Co ld appl of C H Bull and anr from order of Mr Justice Wright, dated
March 14, 1900 March 28
In re the Companies Acts, 1862 to 1890, and In re the Bank of Syria ld
appl of John Owen and anr from order of Mr Justice Wright, dated
March 7, 1900 March 28
In re the Same, &c appl of G S Barnes from order of Mr Justice Wright,
dated March 7, 1900 March 28
In re the Same, &c appl of G S Barnes from order of Mr Justice Wright,
dated March 7, 1900 March 28
In re a Contract between S B Beverington and ors and South-Eastern Ry Co
and Vendor and Purchaser Act, 1874 appl of South-Eastern Ry Co
from order of Mr Justice Kekewich, dated June 30, 1899 March 28
Hawkes v Leyton Urban District Council appl of debts from order of Mr
Justice Buckley, dated Feb 28, 1900 March 30
In re Hancock Watson v Watson appl of debt, K Hancock & ors, from
order of Mr Justice Byrne, dated March 3, 1900 April 3
E Wolff & Son v Nopitsch appl of pliffs from order of Mr Justice Cozens-
Hardy, dated March 13, 1900 April 3
Tebb v Cave appl of debt from order of Mr Justice Buckley, dated Feb 15,
1900 (security ordered) April 5
The Music & Arts Corp ld v Duncan appl of debt from order of Mr
Justice Farwell, dated Feb 7, 1900 (security ordered) April 7
Watts v Driscoll appl of debt, D Driscoll, from order of Mr Justice
Farwell, dated March 13, 1900 April 10
In re Wellborne (two, &c.) appl of C E Wellborne & anr from order of
Mr Justice Kekewich, dated March 23, 1900 April 11
In re Wright Wright v Saunderson appl of J H Gibson from order of
Mr Justice Kekewich, dated April 4, 1900 April 12
Daly v Edwards, and Barrington v Edwards appl of debt, G Edwards,
from order of Mr Justice Kekewich, dated March 2, 1900 April 12
Evelyn v Mirrieles appl of pliff from order of Mr Justice Farwell, dated
March 12, 1900 April 19
Campbell Davys v Lloyd appl of pliff from order of Mr Justice Bucknill
for Mr Justice Stirling, dated April 4, 1900 April 19
Reeve v Powell appl of debt from order of Mr Justice Stirling, dated
April 7, 1900 April 20
Turner v Trustee of Property of W A Jewell, &c appl of pliff from order
of Mr Justice Kekewich, dated March 29, 1900 April 21
In re Williams & James (gents) appl of Messrs Williams & James from
order of Mr Justice Byrne, dated March 18, 1900 April 21
Frohwein v Gluck appl of debt from order of Mr Justice Farwell, dated
April 3, 1900 April 24
Vaughan v Powell appl of pliff from order of Mr Justice Stirling, dated
April 21, 1900 April 25
Ind, Coope & Co, ld v Hamblin appl of debt from order of Mr Justice
Buckley, dated January 26, 1900 April 25
The Yorkshire Laundries ld v Pickles appl of pliffs from order of Mr
Justice Farwell, dated March 2, 1900 (produce order) April 27
Duchess of Marlborough v Duke of Marlborough appl of debt Duke of
Marlborough and ors from order of Mr Justice Byrne, dated April 3,
1900 May 3
Ewart v Fryer appl of debts from order of Mr Justice Kekewich, dated
March 28, 1900 May 3
Taylor v Clark appl of debt, M. E. Clark & ors, from order of Mr Justice
Farwell, dated March 8, 1900 May 4
In re the Companies Acts, 1862 to 1890, and In re the Puncture Proof
Pneumatic Tyre Co, ld appl of the Puncture Proof, &c, Co, ld from
order of Mr Justice Wright, dated May 2, 1900 May 5
Metropolitan Ry Co v Great Western Ry Co and Mayor, &c, of London
appl of debts, Great Western Ry Co, from order of Mr Justice Kekewich,
dated March 27, 1900 May 7
Gardner v Hodgson's King-ton Brewery Co, ld appl of debt from order
of Mr Justice Cozens-Hardy, dated March 9, 1900 May 8
Stretch v North Staffordshire Ry Co appl of debts from order of Mr
Justice Farwell, dated April 24, 1900 May 11
Laycock v Swann appl of debt from order of Mr Justice Farwell, dated
April 3, 1900 (produce order) May 11
City of London Electric Lighting Co v The Mayor, &c, of London appl
of debts from order of Mr Justice Farwell, dated May 3, 1900 May 12
Hawker v King appl of debt from order of Mr Justice Cozens-Hardy,
dated April 3, 1900 May 12
In re The Companies Acts, 1862 to 1890, and In re Brutton & Burney ld
and Burney's New Cross Brewery, ld appl of J Watson & Co ld from
order of Mr Justice Byrne, dated April 5, 1900 (produce order) May 15
Tindal v Spitzel appeal of A J Marks from order of Mr Justice Cozens-
Hardy, dated Feb 24, 1900 (produce order) May 16
Taylor v London & County Banking Co ld appl of debt S Dixon from
order of Mr Justice Farwell, dated March 19, 1900, & cross-notice of
pliff, dated May 21, 1900 May 17
In re T W J Mason Ogden v Mason appl of pliffs from order of Mr
Justice Kekewich, dated April 28, 1900 May 18
In re Ann Taylor The Guardians of Edmonton Union v Deeley appl of
pliffs from order of Mr Justice Kekewich, dated May 7, 1900 (produce
order) May 21
In re Robinson Pattison v Wilkinson appl of pliff from order of Mr
Justice Stirling, dated March 3, 1900 May 21
Pouey v Hordern Gautron v Hordern appl of J P Gautron from order
of Mr Justice Farwell, dated Feb 10, 1900 (security ordered) May 21
Taylor v London and County Banking Co ld appl of pliffs from order of
Mr Justice Farwell, dated March 19, 1900 May 22
Attorney-Gen v London County Council appl of debts from order of Mr
Justice Cozens-Hardy, dated April 6, 1900 May 22
In re The New Zealand Midland Railway Co ld Smith (on behalf, &c) v
Lubbock appl of The Industrial and General Trust ld from an order
of Mr Justice Kekewich, dated April 6, 1900 May 24
Christmas v Knowles appl of debts from order of Mr Justice Buckley,
dated Feb 1, 1900 May 28
Shuttleworth v Murray appl of debts C W Hill and another from order
of Mr Justice Cozens-Hardy, dated March 29, 1900 May 29
In re Clarke Clarke v Clarke appl of debts Sir E. Walter and ors
from order of Mr Justice Byrne, dated April 26, 1900 May 30
Eastwood Bros ld v Houley Urban District Council appl of debts from
order of Mr Justice Byrne, dated April 7, 1900 June 1
Greenham v Greenham appl of pliff from order of Mr Justice Farwell,
dated May 28, 1900 (produce order) June 6

In re Pitt Everett v Hallet appl of debt A B Clifford from order of Mr Justice Cozens-Hardy, dated April 24, 1900 June 6
 Costa Rica Ry Cold v Forwood appl of pliffs from order of Mr Justice Byrne, dated March 3, 1900 June 8
 Merchants' Fire Office ld v Armstrong appl of debts W H G Newell and ors from order of Mr Justice Kekewich, dated Jan 1, 1900 June 8
 S C Willis v Cooper appl of debts R B Cooper and ors from order of Mr Justice Kekewich, dated May 16, 1900 (produce order) June 9
 H Willis v Cooper appl of debts R B Cooper & ors from order of Mr Justice Kekewich, dated May 16, 1900 (produce order) June 9
 Slattery v Cooper appl of debts R B Cooper & ors from order of Mr Justice Kekewich, dated May 16, 1900 (produce order) June 9
 The Manchester Ship Canal v The Manchester Race Course Co ld & ors appl of debts The Trafford Park Estates ld from order of Mr Justice Farwell, dated May 30, 1900 (produce order) June 13 Same v Same appl of The Manchester Race Course Co ld from order of Mr Justice Farwell, dated May 30, 1900 (produce order) June 13
 Tubes ld v Perfecta Seamless Steel Tube Co ld appl of debts from order of Mr Justice Buckley, dated May 29, 1900 June 14
 The Cuba Submarine Telegraph Co ld v The West Indian & Panama Telegraph Co ld appl of debts from order of Mr Justice Farwell, dated May 29, 1900 June 18
 Whitstable Oyster Fishery Co v Hayling Fisheries ld appl of pliffs from order of Mr Justice Buckley, dated May 9, 1900 June 18
 In re Perry Volckman v Bartlett appl of debt H H Bartlett from order of Mr Justice Stirling, dated April 10, 1900 June 19
 In re Hodgson Taylor v Dean appl of debt G H Hodgson from order of Mr Justice Byrne, dated March 31, 1900 June 19
 Merchants' Fire Office v Armstrong appl of debt D Davidson from order of Mr Justice Kekewich, dated Jan 23, 1900 June 20
 Foakes v Jackson appl of pliff from order of Mr Justice Farwell, dated March 6, 1900 (security ordered) June 22
 Hannah v Hignins appl of debt from order of Mr Justice Byrne, dated June 1, 1900 June 25
 Attorney-Gen v Simpson appl of debt L T Simpson from order of Mr Justice Farwell, dated Nov 21, 1899 June 26
 The Thornton Pickard Manufacturing Co ld appl of pliffs from order of Mr Justice Kekewich, dated April 3, 1900 June 22
 Hand v Blow appl of O Hodgkinson from order of Mr Justice Stirling, dated June 14, 1900 June 28
 Rosenbaum v Belson appl of debt from order of Mr Justice Buckley, dated May 5, 1900 June 29
 Marshalls ld v Chameleon Patent Manufacturing Co ld appl of pliffs from order of Mr Justice Kekewich, dated June 12, 1900 July 2
 Foster v The Globe Venture Syndicate ld appl of debt Sir E Thornton from order of Mr Justice Farwell, dated April 10, 1900 July 3
 Case v Cressy appl of pliff from order of Mr Justice Buckley, dated March 2, 1900 July 4
 Burnyeat v Whitehaven Joint Stock Banking Co ld appl of debts from order of Mr Justice Farwell, dated June 14, 1900 July 4
 The Isle of Thanet Electric Tramway & Lighting Co ld v Abbot appl of pliffs from order of Mr Justice Byrne, dated June 21, 1900 July 7
 In re Hunt Pollard v Graake appl of debt J W Leppard from order of Mr Justice Stirling, dated May 29, 1900 July 7
 The Saccharin Corp ld v R Reitmeyer & Co appl of pliffs from order of Mr Justice Cozens-Hardy, dated July 6, 1900 (produce order) July 9
 Chamberlain & Hookham ld v The Mayor & Co of Bradford appl of pliffs from order of Mr Justice Farwell, dated May 25, 1900 July 9
 Hexter v Pearce appl of debts P W Pearce and M E Pearce from order of Mr Justice Farwell, dated Dec 14, 1900 July 11
 In re A W Dunn Brinklow v Singleton appl of debt Barr from order of Mr Justice Byrne, dated June 10, 1900 July 14
 In re Hayes Turnbull v Hayes appl of debt C E Hayes from order of Mr Justice Byrne, dated June 19, 1900 July 18
 In re Woolnough Fuller v Woolnough appl of pliff from order of Mr Justice Kekewich, dated June 23, 1900 July 20
 In re The Co's Acts, 1862 to 1893, and In re The Hadleigh Castle Gold Mining Co ld appl of D Radcliffe and ors from order of Mr Justice Cozens-Hardy, dated June 28, 1900 July
 Magnus v Plumbers' Co ld appl of debt from order of Mr Justice Farwell, dated Feb 19, 1900 (produce order) July 24
 In re Manzetta Robson v Russell appl of W H Russell from order of Mr Justice Byrne, dated June 29, 1900 July 25
 Earl of Lonsdale v Countess of Bercholdt appl of Sir J M Scott from order of Mr Justice Kekewich, dated July 18, 1900 July 25
 Armfield Plain Industrial Co-operative Soc ld v Pringle appl of debt R Pringle from order, dated July 17, 1900 (tried at Durham Assizes by order of Mr Justice Byrne) July 26
 In re Winstone Winterbotham v Winstone appl of debt G A Winstone from order of Mr Justice Stirling, dated July 16, 1900 July 26
 In re Frith Newton v Rolfe appl of debt from order of Mr Justice Kekewich, dated March 1, 1900 (produce order) March 17 In re Frith Newton v Rolfe appl of debts W E Rolfe & ans from order of Mr Justice Kekewich, on further consideration, dated May 24, 1900 (produce order—to come on together) July 30
 Goodwin v The Ivory Soap Co appl of pliff from order of Mr Justice Kekewich, dated July 25, 1900 (produce order) July 30
 In re The Co's Acts, 1862 to 1893, and In re The West Australian Trusts ld (expte John Brock) appl of West Australian Trust ld from order of Mr Justice Buckley, dated July 23, 1900 (produce order) July 31
 In re The Co's Acts, 1862 to 1890, and In re Olympia ld, registered 1893

appl of G S Barnes, Official Receiver, &c, from order of Mr Justice Wright, dated July 12, 1900 Aug 1
 Bowden v Watts appl of pliff from order of Mr Justice Buckley, dated June 28, 1900 (produce order) Aug 1
 W Marshall & Co ld v A H Bull ld appl of debts Petty & Sons ld from order of Mr Justice Byrne, dated July 7, 1900 (produce order) Aug 2
 In re Hall Mellor v Hall (Manchester D R) appl of pliff from order of Mr Justice Farwell, dated July 21, 1900 Aug 8
 Assets Development Co ld v Close Bros & Co appl of pliffs from order of Mr Justice Buckley, dated July 27, 1900 Aug 8
 Hildersheimer v W & F Faulkner ld appl of debts Ward F Faulkner ld from order of Mr Justice Kekewich, dated July 7, 1900 (produce order) Aug 8
 Wilson v Durham appl of pliff from order of Mr Justice Cozens-Hardy, dated July 17, 1900 Aug 8
 In re Marquis of Aylesbury Wilmot v Gardiner appl of Messrs Skinner & Co from order of Mr Justice Cozens-Hardy, dated July 17, 1900 Aug 9
 Curtis v Baines appl of J G Baines and S Baines from order of Official Referee, dated May 21, 1900 (produce order) Aug 9
 Warren v Brown appl of pliff from order of Mr Justice Wright, dated Aug 8, 1900 (produce order) Aug 10
 In re Malcolm Hay v School, &c, of Antiquity appl of pliff from order of Mr Justice Kekewich, dated July 26, 1900 Aug 10
 In re Application, No 200,462, by Wright, Crossley & Co for Register of Trade-Mark, and the Opposition thereto, No 2,657, by the Royal Baking Powder Co of New York, and Patents, &c, Acts appl of Wright, Crossley, & Co from order of Mr Justice Byrne, dated May 24, 1900 (produce order) Aug 10
 London & County Banking Co ld v Nixon appl of pliffs from order of Mr Justice Farwell, dated July 27, 1900 (produce order) Aug 10
 The Merchants' Fire Office ld v Armstrong appl of J Robertson from order of Mr Justice Kekewich, dated Jan 23, 1900 Aug 10
 Dunlop Pneumatic Tyre Co ld v Wapshare Tube Co ld appl of pliffs from order of Mr Justice Buckley, dated April 28, 1900 (produce order) Aug 10
 In re Hey Perkins v Hey appl of debt E J Stocks from order of Mr Justice Byrne, dated July 19, 1900 Aug 10
 Inderwick v Tatchell Tatchell v Lindner Inderwick v Inderwick appl of pliff in first action from order of Mr Justice Kekewich, dated July 27, 1900 Aug 14
 In re Knapp Tarver v Tarver appl of pliff from order of Mr Justice Buckley, dated June 13, 1900 Aug 14
 Weir v Van Tromp appl of pliff from order of Mr Justice Byrne, dated July 31, 1900 (produce order) Aug 14
 In re Bowyer Woolmer v Jones appl of pliff from order of Mr Justice Kekewich, dated Aug 8, 1900 Aug 15
 Pelham Clinton v Duke of Newcastle appl of pliff from order of Mr Justice Buckley, dated Aug 3, 1900 Aug 15
 In re the Barrow Hematite Steel Co ld & reduced and In re the Companies Acts, 1867 & 1877 appl of Barrow Hematite, & Co from order of Mr Justice Cozens-Hardy, dated Aug 11, 1900 (produce order) Aug 15
 Quartermaine v Kent, Sussex & General Land Soc appl of pliff from order of Mr Justice Cozens-Hardy, dated Aug 4, 1900 (produce order) Aug 16
 Holly v Rumsey Green v Rumsey appl of pliff J C Holly & debt E S Holly from order of Mr Justice Kekewich, dated July 5, 1900 Aug 16
 In re Crick v Ellison & V & F Act, 1874 appl of F Crick & ans from order of Mr Justice Kekewich, dated July 13, 1900 Aug 17
 In re Hasler Bathurst v Hasler appl of debt W W Hasler from order of Mr Justice Kekewich, dated Aug 3, 1900 Aug 17
 In re Lapraik Thompson v Lapraik appl of debt B A Pearce from order of Mr Justice Cozens-Hardy, dated Aug 2, 1900 Aug 24
 Gibbons v Vestry of the Parish of Paddington appl of debts from order of Mr Justice Stirling, dated Aug 2, 1900 Aug 27
 In re James Scott Langton v Scott appl of debts Amelia Langton and ors from order of Mr Justice Kekewich, dated July 13, 1900 Aug 29
 Neale v Neale appl of pliff H N Neale, spinster, from order of Mr Justice Byrne, dated Aug 11, 1900 (produce order) Sept 6
 Shaw v Johnson, Cole, Brier & Cordrey ld appl of debt Co from order of Mr Justice Cozens-Hardy, dated July 24, 1900 Sept 7
 In re Clark Clark v Clark appl of debt from order of Mr Justice Farwell, dated June 20, 1900 (produce order) Sept 12
 In re Moss Jenkins v Moss appl of debt G M Jenkins from order of Mr Justice Kekewich, dated July 20, 1900 (produce order) Sept 26
 The Saccharin Corporation ld v T & H Smith & Co appl of debts from order of Mr Justice Cozens-Hardy, dated May 15, 1900 (produce order) Oct 1
 Same v Quincey appl of debt from order of Mr Justice Cozens-Hardy, dated May 15, 1900 Oct 1
 Same v Galloway & Sons appl of debts from order of Mr Justice Cozens-Hardy, dated May 15, 1900 Oct 1
 Same v Pratt appl of debt from order of Mr Justice Cozens-Hardy, dated May 15, 1900 Oct 1
 Lyell v Broderick appl of debt from order of Mr Justice Cozens-Hardy, dated July 6, 1900 Oct 10
 Reading Tramways Co ld v Mayor, &c, of the Borough of Reading appl of pliffs from order of Mr Justice Buckley, dated July 26, 1900 Oct 11
 In re Willis Willis v Willis appl of pliff from order of Mr Justice Kekewich, dated Aug 2, 1900 Oct 15

FROM THE CHANCERY DIVISION.

- Douglas v Bolam appl of plfff from order of Mr Justice Kekewich, dated July 6, 1900 July 20
 In re Thomas Johnson and Holmes Stead, Solicitor of the Supreme Court appl of Holmes Stead from order of Mr Justice Byrne, dated July 24, 1900 (produce order) Aug 8
 In re Hayes Davis v Wannop appl of deft J Wannop from order of Mr Justice Phillimore (for Mr Justice Farwell), dated Aug 10
 In re The Companies Acts, 1862 to 1890, and In re The Sunlight Incandescent Gas Lamp Co, ld appl of L Moore from order of Mr Justice Wright, dated Aug 1, 1900 (produce order) Aug 13
 The Llanelly and Mynydd Mawr Ry Co v Llanelly Harbour, &c, Commissioners appl of defts from order of Mr Justice Byrne, dated May 31, 1900 (produce order) Aug 15
 Ashton Vale Iron Co ld v The Mayor, &c, of Bristol appl of defts from order of Mr Justice Byrne, dated Aug 11, 1900 Aug 31
 Day v Kelland appl of plfff from order of Mr Justice Cozens-Hardy dated March 2, 1900 Sept 1
 Ellis v National Union of Conservative and Constitutional Associations and ors appl of plfff from order of Mr Justice Buckley, dated Oct 2, 1900 (produce order) Oct 6

FROM THE PROBATE AND DIVORCE DIVISION.

(Final List.)

- Rickaby (petnr) v Rickaby (respt), Mackenzie & Swift (co-respts) appl of petnr from order of Mr Justice Barnes, dated June 21, 1900 July 2
 Greaves v Greaves (Upcher intervening) appl of petnr from order of Mr Justice Barnes, dated June 15, 1900 July 7
 Synges v Synges appl of petnr from order of The President, dated May 21, 1900 Aug 2

FROM THE QUEEN'S BENCH DIVISION.

(In Bankruptcy.)

- In re Miller (Ex parte The Debtor) from the receiving order made herein by Mr Registrar Hope on Aug 10, 1900
 In re Calvert (Ex parte The debtor) from an order made by Mr Registrar Giffard on Aug 8, 1900, refusing to confirm a scheme of arrangement
 In re T A Sharp (Ex parte The Trustee) from an order made by the Hon Mr Justice Wright, and dated Aug 6, 1900

FROM THE PROBATE AND DIVORCE DIVISION.

Judgment Reserved.

(Final List.)

- Dormer crse Ward (petnr) v Ward (respt) appl of petnr from order of Mr Justice Barnes, dated Feb 12, 1900, and cross-notice of respt, dated March 5, 1900 c a v Aug 1, 1900 (heard before the Lord Chancellor, Lord Justices Smith and Vaughan Williams)

FROM THE QUEEN'S BENCH DIVISION.

For Hearing.

(Final List.)

1899.

- Rowlands (applt) v Miller (respt) Crown side appl of respt from judgt of Justices Lawrance & Channell, dated Feb 17, 1899 (security ordered) March 3
 In re Wyatt Digby, a solicitor (Singer's application) appl of the solicitor from judgt of Justices Grantham and Bruce, dated June 16, 1899 July 3
 In re Same (Witt's application) appl of the solicitor from same judgt July 3
 London, Tilbury, & Southend Ry Co v Great Eastern Ry Co (Railway & Canal Commission) appl of plffs from judgt of Mr Justice Wright, Sir F Peel, & Viscount Cobham, dated June 28, 1899 (s o till Aug 12) July 5
 The Great Northern Ry Co v The Commrs of Inland Revenue (Revenue side) appl of defts from judgt of Justices Darling & Phillimore, dated July 27, 1899 Aug 11
 The Gresham Life Assce Soc ld (applts) v Bishop, Surveyor of Taxes (respt) (Revenue Side) appl of applts from judgt of Justices Grantham and Kennedy, dated August 11, 1899 August 22
 Denaby & Cadeby Main Collieries ld & anr v Hull, Barnsley and West Riding Junction Ry and Lock Co appl of plffs from judgt of Mr Justice Kennedy, dated Oct 30, 1899, without a jury, Middlesex, and cross-appl of defts, dated Nov 14, 1899 Nov 15
 Smith v Stone appl of deft from judgt of Mr Justice Grantham, dated Nov 2, 1899, without a jury, Middlesex Nov 15
 Faultless v Callard appl of plfff from judgt of Mr Justice Bruce, dated Nov 10, 1899, without a jury (security ordered) Nov 25
 Handyside & Co v New Brighton Tower (Peters & Sons, 3rd parties) appl of third parties from judgt of Mr Justice Phillimore, dated Dec 4, 1899, at trial with special jury, West Derby Dec 22

1900.

- R Gordon v The Commissioners of Inland Revenue (Revenue Side) appl of Robert Gordon from judgt of Justices Darling and Channell, dated Dec 13, 1899 Jan 9
 A H Br. w v The Commissioners of Inland Revenue (Revenue Side) appl of plfff from judgt of Justices Darling and Channell, dated Dec 13, 1899 Jan 18

- Short v Foss appl of defts from judgt of Mr Justice Lawrance, dated Oct 28, 1899, without a jury, Middlesex (security ordered) Jan 27
 Herzberg v Robinson appl of defts from judgt of Mr Justice Phillimore, dated Jan 18, 1900, without a jury, Middlesex Jan 30
 Sissons v Whittaker appl of plfff from judgt of Mr Justice Wright, dated Dec 20, 1899, without a jury, Leeds Jan 30
 The Ystradfydwg & Pontypidd Main Sewerage Board v The Assessment Committee of The Newport Union & Overseers of the Parish of Rumney (Crown Side) appl of respts from judgt of Justices Channell and Bucknill, dated Jan 17, 1900 Jan 31
 Evans v Adeane appl of deft from judgt of Justices Channell and Bucknill, dated Jan 23, 1900 Jan 31
 Rich v Cook (expte Costerton) appl of P S Costerton from judgt of Mr Justice Darling, dated Jan 25, 1900, at trial with common jury, Middlesex Feb 5
 Solomon v Palgrave & Co appl of plfff from judgt of Mr Justice Phillimore, dated Jan 22, 1900, without a jury, Middlesex Feb 5
 Stewards v The Queen (In re The Petition of Right) appl of The Attorney-Gen from judgt of Mr Justice Day, dated Jan 23, 1900, without a jury, Middlesex Feb 6
 Saffery v Meyer appl of deft from judgt of Mr Justice Darling, dated Jan 27, 1900, without a jury, Middlesex Feb 7
 Griffiths v The London, Edinburgh & Glasgow Assce Co ld (Crown Side) appl of defts from judgt of Justices Channell and Bucknill, dated Feb 7, 1900 (and notice of contention by plfff dated March 12, 1900) Feb 16
 Girdlestone v Cathcart, Mary appl of deft from judgt of Mr Justice Bigham, dated Jan 30, 1900, without a jury, Middlesex Feb 20
 Monti v Barnes appl of plfff from judgt of Mr Justice Bigham, dated Feb 15, 1900, without a jury, Middlesex Feb 20
 Thomas Wood ld v Walter Wood appl of plffs from judgt of Mr Justice Ridley, dated Feb 13, 1900, without a jury, Middlesex Feb 21
 Wilson Bros Bobbin Co ld and anr v Wilson & Co, Barnsley, ld appl of defts from judgt of Mr Justice Bruce, dated Jan 27, 1900, without a jury, Middlesex Feb 23
 The Farnham Flint, Gravel & Sand Co ld, applicants v The Guardians of the Poor of the Farnham Union, respts (Crown Side) appl of respts from judgt of Justices Channell and Bucknill, dated Feb 14, 1900 Feb 23
 Mercantile Bank ld v Bridgewater and anr appl of Bridgewater from judgt of Mr Justice Darling, dated February 16, 1900, without a jury, Middlesex Feb 24
 Upperton v Sir Matthew White Ridley and anr (Crown Side) appl of plfff Upperton from judgt of Justices Channell and Bucknill, dated Feb 15, 1900 Feb 28
 In the Matter of Property chargeable with Estate Duty on the death of John Scott, junr, and in the Matter of the Finance Act, 1894 (Revenue Side) appl of petitioners from judgt. of Justices Darling and Channell, dated Dec 15, 1899 Feb 28
 Walker v London appl of deft from judgt of Mr Justice Lawrance, dated Feb 8, 1900, at trial, Birmingham March 1
 Manhattan Brass Co, &c v Gamage appl of plffs from judgt of Mr Justice Bigham, dated Dec 12, 1899, at trial without jury, Middlesex March 6
 Ebbw Vale, Co v Blaina Iron Co. appl of plffs from judgt of Mr Justice Kennedy, dated Feb 6, 1900, without jury, Middlesex March 8
 Parsons v New Zealand Shipping Co appl of plfff from judgt of Mr Justice Kennedy, dated Feb 26, 1900, without jury, Middlesex March 12
 Allen v Wingrove appl of deft from judgt of Mr Justice Ridley, dated Feb 23, 1900, without jury, Middlesex March 13
 Bancroft & Thompson v Heath appl of plffs from judgt of Mr Justice Mathew, dated Jan 15, 1900 (Commercial List), at trial, Middlesex March 16
 Baeden v Regan appl of plfff from judgt of Mr Justice Wright, dated March 10, 1900 March 17
 The Council of the Pharmaceutical Society of Great Britain v White (Crown Side) appl of plffs from judgt of Justices Grantham and Channell, dated Jan 16, 1900 March 20
 Fisher v Plumbly appl of plfff from judgt of Mr Justice Kennedy, dated March 12, 1900, without jury, Middlesex March 24
 Bennett, Sharp & Co v Turner (Beckford, 3rd party) appl of 3rd party from judgt of Mr Justice Lawrance, dated March 20, 1900, at trial without jury, Middlesex March 29
 Carter v Hart appl of deft from judgt of Mr Justice Grantham, dated March 24, 1900, at trial, Middlesex March 30
 Yeatman v Walker & anr appl of plfff in person from judgt of Mr Justice Phillimore, dated March 26, 1900, at trial without jury, Middlesex March 30
 J T Chambers v Harrop Goldthorpe (Crown Side) appl of deft from judgt of Justices Channell and Bucknill, dated Feb 5, 1900 March 31
 The Rhymney Ry Co v The Great Western Ry Co (Railway & Canal Commission) appl of Rhymney Ry Co from judgt of Mr Justice Wright, Sir F Peel, and Viscount Cobham, dated March 19, 1900 April 2
 Allen v McDowall appl of plfff from judgt of Mr Justice Grantham, dated March 10, 1900, without a jury, Middlesex April 5
 The Crays Gas Co v The Bromley Gas Consumers' Co appl of defts from judgt of Mr Justice Bucknill, dated March 14, 1900, without a jury, Middlesex April 6
 Restell & ors v Nye appl of plffs from judgt of Mr Justice Mathew, dated Jan 23, 1900, without a jury, Middlesex April 9
 Jones v Jones appl of deft from judgt of Mr Justice Bucknill, dated March 31, 1900, without a jury, Cardiff April 10

Leslie & Co ld v The Managers of the Metropolitan Asylum District appl of pliffs from judgt of Justices Bigham & Phillimore, dated April 2, 1900 April 12

Beale v Bond (Crown side) appl of pliffs from judgt of Justices Day & Lawrence, dated March 31, 1900 April 12

Forssbacka Jernverks Actiebolag v Reliance Tube Co ld appl of defft from judgt of Mr. Justice Kennedy, dated March 29, 1900, without a jury, Middlesex (Commercial) April 18

Hall v The British National Premium Life Association appl of defts from judgment of Mr Justice Lawrence, dated April 5, 1900, at trial with special jury, Middlesex April 18

Bullock v Arden & ors (Crown side) appl of pliff from judgt of Justices Day & Lawrence, dated March 30, 1900 April 18

The Queen v The Local Government Board and the Guardians of the Poor of the Parish of Willaden (Crown side) appl of the Hendon Board of Guardians from judgt of Justices Bigham & Channell, dated April 6, 1900 April 23

Reed v Franks appl of pliff from judgt of Mr. Justice Darling, dated April 24, 1900, at trial, London (jury withdrawn) May 3

Baron v Bower & anr appl of defft from judgt of Mr. Justice Phillimore, dated March 13, 1900, without a jury, Middlesex May 3

Johns v Harris & Beard appl of defft Beard from judgt of Mr Justice Channell, dated May 4, 1900, at trial with a common jury, Middlesex May 11

Tolpitt v Henry appl of pliff from judgt of Mr Justice Bruce, dated April 27, 1900, without a jury, Middlesex May 18

Nickoll & Knight v Ashton, Edridge & Co appl of pliffs from judgt of Mr Justice Mathew, dated May 7, 1900, without a jury, Middlesex May 21

Anglo-Argentine Live Stock & Produce Agency ld v Westoll appl of defft from judgt of Mr Justice Mathew, dated May 14, 1900, without jury, Middlesex May 24

Inman v Ackroyd & Best ld appl of pliff from judgt of Mr Justice Bruce, dated May 11, 1900, without jury, Middlesex May 24

Macley & ors v Spiller & Baker ld appl of pliff from Mr Justice Mathew, dated May 21, 1900, without jury, Middlesex May 25

Newman & Co v Institute, W Schimmelpfeug & anr appl of A Reinhardt, a defft, from judgt of Mr Justice Phillimore, dated May 14, 1900, at trial with common jury, Middlesex May 28

Westwood v Wainwright appl of pliff from judgt of Justices Darling and Bucknill, dated May 22, 1900 May 28

The Attorney-Gen v The Midland Ry Co appl of defft Co from judgt (on special case) of Justices Ridley & Darling, dated May 9, 1900 May 29

Dear v Wallis appln of pliff from judgt of Mr Justice Wright, dated May 17, 1900, without jury, Middlesex May 31

Ebbw Vale Steel, Iron & Coal Co ld v Richard Thomas & Co ld appl of defts from judgt of Mr Justice Mathew, dated May 8, 1900, without jury, Middlesex May 31

Davis v Board & anr appl of defts from judgt of The Lord Chief Justice, dated May 21, 1900, at trial with special jury, Middlesex June 2

Carmichael v Torrome appl of defft from judgt of Justices Darling and Bucknill, dated May 22, 1900 June 6

Levett & anr v Hamblet appl of defft from judgt of Mr Justice Mathew, dated May 31, 1900, without a jury, Middlesex June 7

Beckhuson & Gibbs v Hamblet appl of pliffs from judgt of Mr Justice Kennedy, dated March 14, 1900, without a jury, Middlesex June 8

London & Provincial Bank ld v Jones appl of pliffs from judgt of Mr Justice Wright, dated May 11, 1900, without a jury, Middlesex June 8

The Danubian Sugar Factories ld v The Commissioners of Inland Revenue (Revenue Side) appl of repts from judgt of Justices Ridley and Darling, dated May 10, 1900 June 11

In the Matter of an Arbitration between Thomas James Masters & the Great Western Ry Co appl of the Great Western Ry Co from judgt of Justices Darling and Bucknill, dated May 30, 1900 June 13

Giddy v Kerry appl of defft from judgt of Mr Justice Phillimore, dated March 19, 1900, and contention of pliff, dated June 20, 1900 June 15

Thompson v the Holm Trust ld appl of defft from judgt of Mr Justice Bruce, dated May 31, 1900 June 16

Kerin (widow) & ors v Weston appl of pliffs from judgt of Mr Justice Phillimore, dated March 16, 1900 (security ordered) June 16

The Attorney-Gen. (Informant) v The Jewish Colonization Assoc. & Elie Schwarzfeld, defts (Revenue Side) appl of defts from judgt of Justices Ridley & Darling, dated May 16, 1900 June 19

Quicke v Bargate appl of defft from judgt of Mr Justice Phillimore, dated June 1, 1900, without a jury, Middlesex June 23

The Driefontein Consolidated Mines ld v Janson appl of defft from judgt of Mr Justice Mathew, dated June 1, 1900, without a jury, Middlesex June 25

The West Rand Central Gold Mines Co ld v de Rougemont appl of defft from judgt of Mr Justice Mathew, dated June 1, 1900, without a jury, Middlesex June 25

Brock v Maygrove appl of pliff from judgt of Mr Justice Wright, dated May 25, 1900 June 25

The National Telephone Co ld, pliffs v Mayor, & Co of Huddersfield, defts (Crown Side) appl of pliffs from judgt of Justices Grantham & Channell, dated June 20, 1900 June 29

The National Telephone Co ld, pliffs v The Mayor, & Co of Tunbridge Wells, defts (Crown Side) appl of pliffs from judgt of Justices Grantham & Channell, dated June 13, 1900 June 29

Leicestershire Banking Co ld v Hawkins appl of defft from judgt of Mr Justice Mathew, dated April 2, 1900, without a jury, Middlesex June 30

Barclay & Co ld v Drucker appl of defft from judgt of Mr Justice Phillimore, dated June 16, 1900, without a jury, Middlesex July 6

Knowles v Huth (The Anglo-Continental Contract Corpn ld and Whitney, Graaff, & Co, 3rd parties) appl of Whitney, Graaff & Co from judgt of Mr Justice Lawrence, dated June 12, 1900, without a jury, Middlesex July 7

Waite v Sharp appl of defft from judgt of Mr Justice Darling, dated June 2, 1900, without a jury, Middlesex July 13

Stacey v Hill appl of defft from judgt of Mr Justice Phillimore, dated July 16, 1900, without a jury, Middlesex July 17

Herbert Gold ld v Gorge Haycraft appl of defft from judgt of Mr Justice Darling, dated July 7, 1900, without a jury, Middlesex July 17

Brown v Lawrence & Co appl of defts from judgt of Mr Justice Channell, dated June 23, 1900, without a jury, Middlesex July 18

Scott & Horton v Ernest appl of defft from judgt of Mr Justice Bigham, dated July 9, 1900, without a jury, Middlesex July 20

The International Stock Exchange ld v Baker appl of pliffs from judgt of Mr Justice Phillimore, dated July 9, 1900, without a jury, Middlesex July 23

The Milford Docks Co v The Milford Haven Urban District Council appl of pliffs from judgt of Mr Justice Grantham, dated July 10, 1900, without a jury, Haverfordwest July 26

Knowles v Huth & The Anglo-Continental Contract Corpn ld and Whitney, Graaf & Co appl of Anglo-Continental Corpn from judgt of Mr Justice Lawrence, dated June 12, 1900, without a jury, Middlesex June 26

Keller & Petty v Burton & Ramsay appl of defts from judgt of Mr Justice Phillimore, dated July 7, 1900, without a jury, Middlesex July 31

Mandelkan v Morrison (Commercial Court) appl of defft from judgt of Mr Justice Mathew, dated July 26, 1900, without a jury, Middlesex Aug 1

McGrath v Elder, Dempster & Co appl of pliff from judgt of The Judge of the Court of Passage (Liverpool), dated July 11, 1900 Aug 1

Attorney-Gen & ors v Whitmore appl of pliffs from judgt of Mr Justice Mathew, dated July 24, 1900, without a jury, Middlesex Aug 2

Huntingdon & ors v The Lancashire & Yorkshire Ry Co (Railway & Canal Commission) appl of Huntingdon & ors from part of judgt of Mr Justice Wright, Sir F Peel & Viscount Cobham, dated May 24, 1900 Aug 6

The Great Western Ry Co v The Metropolitan Ry Co, Aylesbury Station (Railway & Canal Commission) appl of defts The Metropolitan Ry Co from judgt of Mr Justice Wright, Sir F Peel and Viscount Cobham Aug 6

Synchromy Syndicate ld v Turata appl of defft from judgt of Mr Justice Darling, dated July 17, 1900, without jury, Middlesex Aug 11

Gray v Howcroft & ors appl of pliff from judgt of Mr Justice Day, dated July 31, 1900, without jury, Middlesex Aug 15

The Foreign and Colonial Fibre Treatment Syndicate ld v Becker appl of pliffs from judgt of Mr Justice Day, dated July 30, 1900, without jury, Middlesex Aug 15

Price & Pierce v The Marine Insee Co ld appl of pliffs from judgt of Mr Justice Bigham, dated July 2, 1900, without a jury, Middlesex Aug 15

Millman v Lane appl of defft from judgt of Mr Justice Lawrence, dated Aug 10, 1900, without a jury (heard at Exeter, judgt given in London) Aug 15

Versell & Co v H Lyon & Mayer appl of pliffs from judgt of Mr Justice Mathew, dated Aug 1, 1900, without a jury, Middlesex Aug 16

Cundall & ors v Mountain appl of defft from Mr Justice Ridley, dated Aug 8, 1900, without jury, Leeds Aug 17

Attey & anr v Forslind & Sons appl of defts from judgt of Mr Justice Kennedy, dated Aug 6, 1900, without jury, Middlesex Aug 20

In re Earnshaw Wall & In re Solicitors Act, 1868 appl of E Wall in person from judgt of Justices Day and Darling, dated Aug 7, 1900 Aug 21

Vivian v Port Talbot Ry & Docks Co appl of defts from judgt of Mr Justice Phillimore, dated July, 1900, without jury, Middlesex Aug 23

Langfield v The Great Northern Ry Co appl of defft Company from judgt of Mr. Justice Channell, dated Aug 6, 1900, without jury, Liverpool Sept 7

Marwood v Taylor appl of pliff from judgt of Mr. Justice Bigham, dated July 12, 1900, without jury, Middlesex Sept 12

Preston v Pickersgill & Sons appl of defts from judgt of Mr. Justice Mathew, dated July 30, 1900, without jury, Middlesex Sept 13

Sanders v Minstrell appl of pliff from judgt of Mr. Justice Wills, dated Aug 20, 1900, without jury, Warwick Sept 17

Tilbury v Hood appl of defft from judgt of Mr. Justice Ridley, dated June 21, 1900, Middlesex Sept 24

FROM THE PROBATE, DIVORCE AND ADMIRALTY DIVISION (ADMIRALTY).

FOR HEARING.

With Nautical Assessors.

(Final List).

1900.

Cora Maria 1900 Folio 101 Cayzer & ors, Clan Colquhoun v The Gordon Steam Shipping Co, ld, Owners of S.S. Cora Maria appl of pliff from judgt of Mr. Justice Barnes, dated June 13, 1900 June 21

(Interlocutory List).

The Cogent 1900 Folio 109 Owners of Pina v Owners of Cogent appl of defts from order of Mr. Justice Barnes, dated Aug 1, 1900 Aug 8

FROM THE QUEEN'S BENCH DIVISION.

(New Trial Paper.)

1899.

Woolley v Manchester Ship Canal Co appln of defts for judgt or new trial on appl from verdict and judgt, dated March 13, 1899, at trial before T H Baylis, Esq, and special jury (Court of Passage, Liverpool) —Pitff dead April 19

1900.

Davis & anr v Willis appln of deft for judgt or new trial on appl from verdict & judgt, dated April 28, 1900, at trial before Mr Justice Bucknill and common jury, Manchester May 15

Dowling v Dods appln of deft for judgt or new trial on appl from verdict and judgt, dated June 20, 1900, at trial before Mr Justice Darling, and common jury, Middlesex May 20

Brock v Woodford appln of deft for judgt or new trial on appl from verdict and judgt, dated June 22, 1900, at trial before Mr Justice Grantham and special jury June 29

Sprules & Wife v Davis appln of pitffs for judgt or new trial on appl from verdict & judgt, dated June 26, 1900, at trial before Mr Justice Ridley, and common jury, Middlesex July 5

Machon & ors v Griffith, Williams & Co appln of defts for judgt or new trial on appl from verdict & judgt, dated July 10, 1900, at trial before Mr Justice Lawrence and special jury, Bristol July 21

Hillbrook v Rigby appln of deft for judgt or new trial on appl from verdict and judgt, dated July 17, 1900, at trial before Mr Justice Phillimore and special jury, Manchester July 24

Trower & anr v Oxley appln of deft for judgt or new trial on appl from verdict & judgt, dated July 16, 1900, at trial before Mr Justice Bigham and special jury, Middlesex July 25

Harris v Carroll appln of pitff for judgt or new trial on appl from verdict & judgt, dated July 9, 1900, at trial before Mr Justice Phillimore and common jury, Middlesex July 27

Whyler v The Bingham Rural District Council appln of defts for judgt or new trial on appl from verdict and judgt, dated July 17, 1900, at trial before Mr Justice Wills and common jury, Nottingham July 30

Freel v The Bury, Rochdale & Oldham Tramway Co ld appln of defts for judgt or new trial on appl from verdict & judgt, dated July 14, 1900, at trial before Mr Justice Phillimore and special jury, Manchester July 31

Williams v Ducat & ors appln of pitff for judgt or new trial on appl from verdict & judgt, dated June 20, 1900, at trial before Mr Justice Day and special jury, Oxford July 31

Hornsby v The Financial Times ld appln of defts for judgt or new trial on appl from verdict & judgt, dated July 20, 1900, at trial before Mr Justice Kennedy and special jury, Middlesex Aug 2

Wigglesworth v Midland Ry Co appln of pitff for judgt or new trial on appl from verdict & judgt, dated July 31, 1900, at trial before Mr Justice Bruce and special jury, Leeds Aug 8

Collens v Hedley appln of deft for judgt or new trial on appl from verdict & judgt, dated July 19, 1900, at trial before Mr Justice Lawrence and common jury, Middlesex Aug 9

Jones & Son v Griffiths appln of John Griffiths for judgt or new trial on appl from verdict and judgt, dated July 5, 1900, at trial before Mr Justice Day and common jury, Monmouth Aug 10

Nichols & Co ld v Webster appln of deft for judgt or new trial on appl from verdict & judgt, dated Aug 4, 1900, at trial before Mr Justice Ridley and common jury, Leeds Aug 11

Hainsworth v The British Workman's & General Assee Co ld appln of pitff for judgt or new trial on appl from verdict & judgt, dated July 30, 1900, at trial before Mr Justice Bruce and special jury, Leeds Aug 17

Miller v MacKean appln of pitff for judgt or new trial on appl from verdict and judgt, dated Aug 3, 1900, at trial before Mr Justice Ridley, and common jury, Leeds Aug 28

Barnett v Proprietors of The Birmingham Canal Navigators appln of defts for judgt or new trial on appl from verdict & judgt, dated Aug 15, 1900, at trial before Mr Justice Bucknill and special jury, Birmingham Aug 31

Mayor, &c of Wolverhampton v Emmons appln of deft for judgt or new trial on appl from verdict & judgt, dated Aug 27, 1900, at trial before Mr Justice Wills and special jury, Birmingham Sept 14

Green v New Zealand Shipping Co ld appln of pitff in person for judgt or new trial on appl from verdict & judgt, dated June 25, 1900, at trial before The Lord Chief Justice and special jury, Middlesex Oct 4

FROM THE QUEEN'S BENCH DIVISION.

(Interlocutory List.)

1900.

Ebbetts & anr v Conquest appl of deft from order of Justices Bigham & Phillimore, dated April 4, 1900 (s o liberty to restore by 7 days' notice on either side, April 24, 1900) April 18

Matthews & ors v Colls appl of pitff from order of Mr Justice Bucknill, dated June 13, 1900 (security ordered) June 26

The President and Fellows of Sion College (appnts) v The Mayor and Commonalty and Citizens of the City of London (respts) appl of applicants from order of Justices Grantham and Channell, dated June 19, 1900, to be heard by three judges) July 16

Sea Insurance Co ld & ors v Carr appl of deft from order of Mr Justice Mathew, dated July 26, 1900 (to be heard by three judges) July 30

Speak v Baker appl of deft from order of Mr Justice Lawrence, dated July 25, 1900 Aug 7

Cameron & ors v Bucknill Bros & ors appl of deft from order of Mr Justice Kennedy, dated Aug 7, 1900 Aug 10

The Queen on the prosecution of the Mayor &c of Harwich & Tendring Hundred Waterworks Co (Crown side) appl of Tendring Hundred Waterworks Co from order of Justices Kennedy & Darling, dated Aug 7, 1900, and cross-notice of appeal, dated Aug 17, 1900 Aug 11

Bowden v Hamilton & ors appl of defts other than Alexander & Shephard from order of Mr Justice Darling, dated Aug 10, 1900 Aug 15

Linaker v Pilcher & ors appl of pitffs from order of Mr Justice Darling, dated Aug 10, 1900 Aug 16

Taff Vale Ry Co v Davis & Sons ld appl of defts from order of Mr Justice Lawrence, dated Aug 9, 1900 Aug 22

Featherstonhaugh v Morton appl of deft from order of Mr Justice Farwell, dated Aug 21, 1900 Aug 31

Dougherty v Wilson appl of deft from order of Mr Justice Farwell, dated Aug 21, 1900 Sept 1

Taff Vale Ry Co v The Amalgamated Society of Railway Servants and ors appl of deft society from order of Mr Justice Farwell, dated Sept 5, 1900 Sept 8

Same v Same appl of deft society from order on motion of Mr Justice Farwell, dated Sept 5, 1900 Sept 8

Baron v Bower appl of deft (wife, &c) from order of Mr Justice Buckley, dated June 21, 1900 Sept 21

FROM COUNTY COURT.

In re The Workmen's Compensation Act, 1897.

1900.

In the Matter, &c Jane Adams, applicant v The Celynew Colliery Co ld, respts (Crown side) appl of applicant from award of County Court (Monmouthshire, Newport), dated April 19, 1900 (security ordered) May 10

In the Matter, &c Herbert Carrington, applicant v Edward Bannister & Co, respts (Crown side) appl of respts from award of County Court (Lincolnshire, Great Grimsby), dated June 13, 1900 June 26

In the Matter, &c Margaret Cosgrove, applicant v Jonathan Partington, respt (Crown side) appl of respondent from award of County Court (Lancashire, Oldham), dated June 21, 1900 June 30

In the Matter, &c Ben Whitehead, applicant v William Reader, respt (Crown side) appl of respt from award of County Court (Warwickshire, Coventry), dated June 12, 1900 July 3

In the Matter, &c Emma Gattford, applicant v Albert & Edward Haynes (trading as Frogley & Deacon), respts (Crown side) appl of respts from award of County Court (Wiltshire, Swindon), dated June 19, 1900 July 3

In the Matter, &c Rees, applicant v Richards, respt (Crown side) appl of applicant from award of County Court (Swansea), dated June 21, 1900 July 12

In the Matter, &c James Ferguson, applicant v John Bernard Green, respt Crown side appl of respt from award of County Court (Lancashire, Oldham), dated June 28, 1900 July 12

In the Matter, &c Robert Hathaway, applicant v The Argus Printing Co ld, respts Crown side appl of applicant from award of county court judge (City of London), dated June 27, 1900, and cross-notice of appeal, dated July 17, 1900 July 13

In the Matter, &c Margaret Roper, applicant v George Greenwood & Sons, respts Crown side appl of applicant from award of County Court (Yorkshire, Halifax), dated June 26, 1900 Aug 1

In the Matter, &c Samuel Horace Bailey, an infant, applicant v John Dudson Plant, respt Crown side appl of applicant from award of County Court (Cheshire, Nantwich & Crewe), dated June 19, 1900 Aug 1

In the Matter, &c Mary Ann Lowrie, widow, applicant v George Patten, respt Crown side appl of applicant from award of County Court (Middlesex, Shoreditch), dated July 20, 1900 Aug 1

In the Matter, &c Margaret Beavan, applicant v Crawshaw Bros, Cyfartha ld, respts Crown side appl of respts from award of County Court (Glamorganshire, Merthyr Tydfil), dated July 12, 1900 Aug 1

In the Matter, &c George John Turnbull, applicant v Thompson Bros, respts Crown side appl of respts from award of County Court (Middlesex, Bow), dated July 18, 1900 Aug 7

In the Matter, &c William Cochrane Barton, applicant v Prince of Wales Dry Dock Co ld, respts Crown side appl of respts from award of County Court (Glamorganshire, Swansea), dated Aug 14, 1900 Aug 18

In the Matter, &c Thomas Malley, applicant v The Bute Dry Dock Co ld, respts Crown side appl of respts from award of County Court (Glamorganshire, Cardiff), dated Aug 10, 1900 Aug 18

In the Matter, &c Fanny Maria Merrill, applicant v T Wilson, Sons & Co ld, respts Crown side appl of Applicant from award of County Court (Yorkshire, Kingston-upon-Hull), dated Aug 2, 1900 Aug 20

In the Matter, &c Smith, Stone, & Knight ld, applicants v Henry Stephens, respt Crown side appl of respt from award of County Court (Warwickshire, Birmingham), dated July 31, 1900 Aug 21

In the Matter, &c Mary James, applicant v Blindell Bros & Co, respt's Crown side from award of County Court (Glamorganshire, Pontypriid), dated Aug 10, 1900 Aug 30

In the Matter, &c Sarah Jane Mayoh, applicant v The Turton Fire Clay Co ld, respts Crown side appl of respts from award of County Court (Lancashire, Bolton), dated Sept 19, 1900 Sept 25

In the Matter, &c Robert Pomphrey, applicant v The Southwark Press, respts Crown side appl of respts from award of County Court (Surrey, Southwark), dated Oct 1, 1900 Oct 11

N.B.—The above list contains Chancery, Palatine, and Queen's Bench Final and Interlocutory Appeals set down to Oct 15, 1900.

HIGH COURT OF JUSTICE.

CHANCERY DIVISION.

MICHAELMAS SITTINGS, 1900.

NOTICES RELATING TO THE CHANCERY CAUSE LIST.

Motions, Petitions, and Short Causes will be taken on the usual days stated in the Michaelmas Sittings Paper, with the following exceptions, viz.:

Mr. Justice Stirling.—In consequence of Mr. Justice Stirling sitting for the disposal of his lordship's own witness list, from Tuesday, Nov 13, until Saturday, Nov 24, inclusive, his lordship will, during that time, hear urgent motions only on Friday, Nov 16, and Friday, Nov 23.

Mr. Justice Kekewich.—Mr. Justice Kekewich will sit for the disposal of his lordship's own witness list on days announced in daily cause list.

Mr. Justice Byrne.—In consequence of Mr. Justice Byrne sitting for the disposal of his lordship's own witness list, from Tuesday, Nov 13, until Saturday, Nov 24, inclusive, his lordship will, during that time, hear urgent motions only on Friday, Nov 16, and Friday, Nov 23.

Mr. Justice Cozens-Hardy.—In consequence of Mr. Justice Cozens-Hardy sitting for the disposal of his lordship's own witness list, from Tuesday, Oct 30, until Saturday, Nov 10, inclusive, his lordship will, during that time, hear urgent motions only on Friday, Nov 2, and Friday, Nov 9.

Mr. Justice Farwell will take witness actions every day (except on days on which Liverpool and Manchester work is taken) in the order as they stand in his lordship's cause book.

Liverpool and Manchester Business.—Mr. Justice Farwell will take Liverpool and Manchester business as follows:—

(1) Motions, short causes, petitions and adjourned summonses on every other Saturday, commencing with Saturday, Nov 3.

(2) Summonses in chambers will be taken on every other Saturday, commencing with Saturday, Nov 3.

Mr. Justice Buckley will take witness actions every day in the order as they stand in his lordship's cause book.

Summonses before the judge in chambers.—Justices Stirling, Kekewich, Byrne and Cozens-Hardy will sit in court the whole day on every Monday during the sittings to hear chamber summonses.

Summonses adjourned into court will be taken (subject to the witness list) as follows:—Mr. Justice Stirling, with non-witness actions; Mr. Justice Kekewich, as stated in the daily cause list; Mr. Justice Byrne, with non-witness actions, except procedure summonses, which (if any) are taken every Saturday; Mr. Justice Cozens-Hardy, with non-witness actions, and also on other days as the judges may direct.

SPECIAL NOTICE WITH REFERENCE TO THE CHANCERY WITNESS LISTS.

During the Michaelmas Sittings the judges will sit for the disposal of their own witness lists as follows:—

Mr. Justice Stirling will take his witness list for the fortnight, beginning on Tuesday, Nov 13, and will sit continuously (Monday, Nov 19, excepted), until Saturday, Nov 24.

Mr. Justice Kekewich will take his witness list on days announced in daily cause list.

Mr. Justice Byrne will take his witness list for the fortnight, beginning on Tuesday, Nov 13, and sit continuously (Monday, Nov 19, excepted), until Saturday, Nov 24.

Mr. Justice Cozens-Hardy will take his witness list for the fortnight, beginning on Tuesday, Oct 30, and sit continuously (Monday, Nov 5, excepted), until Saturday, Nov 10.

N.B.—Due notice will be given if the witness list can be taken on any days other than those above appointed.

Chancery Causes for Trial or Hearing.

(Set down to Oct 15, 1900, inclusive.)

Before Mr. Justice STIRLING.
Causes for Trial (with Witnesses).
Muller v Nicolls act (to come on with another action)
Bullard v Bullard & Sons ld. act (pltf dead)
Bullard v Bullard act (pltf dead)
Bennett v Schotborgh act
In re Maltby Seller v Giddy act
Trustee of J E Borland, &c v Steel Bros & Co ld act
Coveney v Mayor, &c, of Colchester act
In re Hooper Nickell v Hooper adjd sums entered in wit list (not to be in list before application made)
Mason v Mason act
Doverges v Sandeman, Clarke & Co act
Pilkington v Beck act (pleadings to be delivered)
Jameson v Boehmer act
In the Blackpool Motor Car Co ld Hamilton v Blackpool Motor Car Co ld act set down by dfts
Hellyer v Burton act
Threadingham v Harding act
Jacobs v Morris & Morris Morris &

Morris v Jacobs act & counter-claim
Verrall v Walker act
Cook v Conservators of Mitcham Common act
Tolhurst v Collier act
Francis v Brialington Grove Estate Co ld act
Mousley v Hilliard act
In re Richards Williams v Richards adjd sums entered in wit list
Lewis v Newton act
Rural District Council of Hendon Union v Bouser act
In re Bacon Gimblett v Bacon act
Jones v Cadbury act
Beech v Coward act
Compton & Co, ld v Allright act
In re India Rubber (Mexico) ld Shaw v India Rubber (Mexico) ld act
In re Pease Earl of Portsmouth v Pease act
Collins v Solomon act
London & Westminster Bank, ld v Rothery act & m f j
Cornish Hotels Co, ld v Tae New-quay (Cornwall) Urban District Council act

Horne v Jewel act
Down v Lederer act
Bradford Dyers' Association, ld v Bury act
Hughes v Hickling act
Dawson v Lipscombe act
Strong v J Owen & Sons, ld act (pleadings to be delivered)
Hopkins v H Tomlin & Co act without pleadings
Lanyon v Laitt act

Causes for Trial (without Witnesses and Adjourned Summonses).
In re Fellows Corker v Darcy adjd sums to come on with act
In re Richardson Richardson v Richardson adjd sums
In re Derbon Derbon v Collis adjd sums
In re Tyson Cook v Tyson adjd sums
In re Arnold Coward v Coward adjd sums
Howell v Gilbert m f j (short)
In re Heskeith Saunders v Bibby Heskeith adjd sums
Farnham v Milward & Co notice dated June 1, 1900, adjd into court

In re Roche Roche v Roche adjd sums
In re Pope Sharp v Marshall adjd sums
In re Hinchliffe Hinchliffe v Scarth adjd sums
In re Sanbach, &c Charity Attorney-Gen v Earl of Crewe adjd sums
In re Clapham & Waller's Contract, &c Waller v Clapham adjd sums
In re Wescombe Joyce v Morris adjd sums
In re Arnold Rawlins v Thomas adjd sums
In re Troughton Jeffreys v Porter adjd sums
In re Tiffin Tiffin v Hamilton two adjd sums, dated 7th and 22nd Feb, 1900
In re The New Welsh Slate Co ld Manchester Trust ld v New Welsh Slate Co ld adjd sums
In re Jennings Lermitte v Plaskett
In re Same Same v Same two adjd summonses to be heard as one summons
Muller v Trafford act
In re James James v James further hearing of adjd sums
In re Heap Pulleyne v Wilson adjd sums
Harris v Mansbridge adjd sums
In re Dillon Brooks v Garner adjd sums
In re Hunt Leppard v Morgan two adjd, sums (to come on with fur con)
In re Courage Courage v Leckie adjd sums
In re Wells Neve v Wells adjd sums
In re Perch Preston v Perch adjd sums
In re Parker Powell v Buxton adjd sums
In re Dowsett Dowsett v Meakin adjd sums
In re Longbotham & Sons, Solrs, &c adjd sums
In re King Mann v Werd point of law raised by par 10 of statement of claim
In re Marshall Marshall v Howard adjd sums

Before Mr. Justice KEKEWICH.
Causes for Trial (with Witnesses):
Attorney-General v Birmingham, Tarry & Rhea, &c, Board act (after second motion day)
Nosworthy v Towers act & m f j (restored)
Isaacs v Blaiberg act (restored)
In re Lennard Mout v Lennard act
Earl of Lichfield v Barnard act
Underwood v Trowbridge Water Co Holben v Same act
Robinson v Garnett act
Appleyard v Janson act
Margowski v Foster act and counter claim
Attorney-General v Cole & Son act
Falk v New Brighton Tower & Recreation Co ld act
Morris v Duncie act
Williams v Jenkins act
Thompson v Rutter act (pleadings to be delivered)
Champion v Knight act
Marshall v Sidebotham act
Lawday v Howard act (not before Nov 1)
Capital & Counties Bank v Davies act
Bingemann v Free act
Lindsay, Grace & Co v Ward act
In re Tolson Tinkler v Tolson act
Rosenthal v Lyons act without pleadings (Oct 30)
Millbank v Millbank act
Wright v Hodgkinson act
Creighton v Rogers act
Edwards v Howard act
Berry v Halifax Commercial Banking Co ld act
Buchanan v Day act (pleadings to be delivered)
Glover v Clifford act
Reynolds v Coust act
Houschen v House Property and Investment Co ld act
I Rutter & Co v Smith act without pleadings
In re E Gabarrot & Co ld & Co's Acts, 1867 to 1890 motn entered in Witness List
Surtees v Staffordshire Financial Co ld act
Earl of Normanton v Hibberd act
Moser v Earl of Buchan issues for trial (set down by order)
Harrison v Laycock act
Limburg v Daniels act (pleadings to be delivered)
French & Co ld v Lea act
Hammick v T Kendell act without pleadings

Causes for Trial (without Witnesses)
Gladstone v Potts special case
Clifford Smith v Clarke act
Goodchild v Barry m f j (short)

Adjourned Summonses.
In re Ruskin Severn v Severn pt hd
In re Gregory Gregory v Monks
In re Charles Turner, a solr, &c pt hd (restored)

Further Considerations.
In re D'Oyley D'Oyley v Bingley fur con adjd from Chambers
In re The Wolverhampton District Brewery ld Downes v Wolverhampton District Brewery ld fur con
In re The New Zealand Midland Ry Co ld Smith v Lubbock fur con
In re Fawcett Herdman v Fawcett fur con
Before Mr. Justice WRIGHT.
(Sitting as an additional Judge of the Chancery Division.)
Companies (Winding-up).
Motions.
Coverack Stone & Syenitic Paving

Co ld (for relief under Co's Act, 1898)

Chancery Division.

Bethanga Goldfields ld Bennet v Bethanga Goldfields ld (for appointment of receiver and manager) pt hd

Actions for Trial.

Leeds & Hanley Theatre of Varieties ld Consolidated Exploration & Finance Co ld v Leeds and Hanley Theatre of Varieties ld

Electric Construction Co ld v Vander pump & ors (with witnesses, and m f j)

Madras Electric Tramways Co ld Electric Construction Co ld v Cooper & ors (with witnesses, and m f j)

United Projects Syndicate ld Haes v United Projects Syndicate ld

Companies (Winding-up).

Petitions.

Army Cycle Best Syndicate ld (petn of H J Pollett)

River Plate Electric Light & Traction Co ld (petn of Glyn, Mills, Currie & Co)

Iniaid Linoleum (Thomson's Patent) Co ld (petn of J F Walsh)

Capital & Counties Newspaper Co ld (petn of Fisher and Co ld)

Accles ld (petn of W J Martin & ors)

Inverell Diamond Fields ld (petn of A W Cohen)

Doherty Iron Casting Process ld (petn of George Henry Turner & ors)

H McKeone ld (petn of Moreton Sand & Gravel Co)

London Electrical Cab Co ld (petn of C E Foster & ors)

British Horticultural Assoc ld (petn of Marmion Printing Works)

Roumanian Anthracite Coal Co ld (petn of Jane North & ors)

Fromm's Extract Co ld (petn of Albert Schwarz)

Herbert Preston & Co ld (petn of G A Bacon & ors)

Capital Finance Co ld (petn of Howard Rumney)

Debiture & Finance Co ld (petn of Adams Bros)

Yeadon Railway Spike Syndicate ld (petn of Maddisons and ors)

London & International Conversions Co ld (petn of P Macfayden)

Lombards ld (petn of F E Judd)

Peter Schoenhofen Brewing Co ld (petn of A C Toy and anr)

Halifax & District Mineral Water Manufacturers' Assoc ld (petn of Robinson Bros, Cork Growers, ld)

City of London Manufacturing Co ld (petn of Lucien Frone)

Samuel T Robinson & Co ld (petn of Moss & Co)

Warwick Revolving Towers Co ld (petn of W Howard)

Stanley, Lucas, Weber, Pitt & Hatfield ld (petn of Julius Hanauer)

Wimbledon Sports Club ld (petn of Mackenzie and Moncur ld)

Recording Telegraphs ld (petn of Segue & Co ld)

Canadian Steamship Co ld (petn of Elder, Dempster & Co)

Lux Syndicate ld (petn of W D Cairney)

Worcester Fire Clay & Blue Brick Co ld (petn of Bingley, Son & Politt)

Rosherville Gardens Co ld (petn of Company)

Granulin Cold (petn of F W French)

Redman's Sandstone Syndicate ld (petn of George Cross & Co)

Coventry Gas Fitting, Electrical & Engineering Co ld (petn of A Davies & anr)

International Advertising Agency ld (petn of London & Northern Bank ld)

West Australian Gold Concessions ld (petn of W G D Beare)

West Australian Minerals & Finance Co ld (petn of E T Read as Liquidator of Cue Victory Mines ld)

Charterland Stores & Trading Co ld (petn of Julius Weil)

Chancery Division.

Niger Co ld & reduced (petn of Company)

Wynnstay Collieries ld & reduced (petn of Company)

Companies (Winding-up).

Court Summonses.

T Beeny & Co ld (on claim—with witnesses)

Canadian-Australian Royal Mail Steamship Co ld (on claim—with witnesses)

Spiller & Co ld (to vary decision of Liquidator rejecting proof)

Same (for misfeasance)

Gold Fields of India ld (on claims of Messurier & Smith)

Lilly & Lilly ld (to vary certificate)

Compressed Air Traction Co ld (to vary list of contributors)

Aamdal Copper Mines Syndicate ld

Forrest Australian Corpn ld (as to dealing with payment to deferred shareholders)

Banbury & Cheltenham Direct Ry Co (as to dealing with assets of Company)

London & Northern Bank ld (to reverse decision of Liquidator rejecting proof of Giddy)

North West Argentine Ry Co ld (as to dealing with income debenture stocks of the Cordova Central Ry Co, ld, &c)

Tyrian Construction Co ld (on claim of Pilling)

Lydenburg Minerals Exploring Co ld (on agreed statement)

Before Mr. Justice BYRNE.

Causes for Trial (with Witnesses).

White v Duckworth & Co act (pleadings to be delivered)

In re Smithies Eastwood v Whitaker adjd sums entered in Witness List (s o until sums disposed of)

Gilling v Gilling act (pleadings to be delivered)

Northcroft v Pridesaux act (amended pleadings to be delivered)

In re Brown Brown v Brown act and m f j (not before act in Probate Division disposed of)

Moon v Papillon act (pleadings to be delivered)

Bexhill Urban District Council v Hotel Metropole, Bexhill-on-Sea, ld act (pleadings to be delivered)

Aylwin v Aylwin act

Benahaw v Van Laun act

Baily v Clark act

Williams v Ingram act

In re John Lake & Son, ld Bolitho & Co v John Lake & Son, ld question in act entered in witness list

The Barry Ry Co v Weaver act

In re Henry Lawrence and Trustee Act adjd sums entered in witness list

Vacuum Oil Co v Wakefield act

Livesey v Murray act

Midland Ry Co v Wright act

T A Gibb & Co v Livingston, Halton & Co ld act (pleadings to be delivered)

Turner v Smith act

In re Tibbs Manasteriotti v Manasteriotti act

Ledsam v London & North Western Ry Co act

Hicks v Hicks act (pleadings to be delivered)

Mourliyan v Remnant act

Wrench v Langworthy Bros & Co ld act

In re Gowens Godfrey v Gowens act

London Shoe Co ld v Gretton act

Hardbottle v Glen act

Wilkinson v Wilkinson act

Weston v Brown act without pleadings

Weale v Coust act

Debenham v Sawbridge act

Dougherty v Oakes act

Smeed, Dean & Co ld v Jackson act

Drucker v Gibson act and counter-claim

Daniels v Webster act

Kelly's Directories ld v Gavin & Lloyds act

Causes for Trial Without Witnesses and Adjourned Summonses

International Bank of London ld v Rio de Janeiro Flour Mills, &c ld adjd sums

In re Crawshaw Crawshaw v Gant adjd sums

In re Companies Acts, 1862 to 1898, and In re The Colchester Native Oyster Fishery Co ld motn for filing contract, &c

Greenwood v Greenwood adjd sums

In re Schreiber Davy v Schreiber adjd sums

In re Gully Gully v Gully adjd sums

In re Curtis Bennet v Loveridge adjd sums

Gray v Hinde act

In re Butts Muller v Butts adjd sums

In re T A Soley, dec adjd sums

Thwaites v McIntyre adjd sums

In re Scholey & Ashton & V & P Act, 1874 adjd sums

In re Tomkins, dec adjd sums

In re Williams & James, Solrs, &c (taxation) adjd sums

In re Porter Porter v Perry adjd sums

Day v Singleton adjd sums

In re Curteis Newman v Tancock adjd sums

In re Wicks Wicks v Shepherd adjd sums

In re Newbery Newbery v Buckingham adjd sums (1st day of sittings)

Calland v Smith adjd sums

Jones v Warsany Warsany v Kresel adjd sums

In re Warcup Shepard v Warcup adjd sums

In re Gooch Gooch v Gooch adjd sums

In re Wilson Morrison v Burdekin adjd sums

In re Secretan Secretan v Hewitt adjd sums

Saccharin v Anglo - Continental Chemical Works ld adjd sums

The Company of Proprietors of the Glamorgan Canal Navigation v Nixon's Navigation Co ld point of law set down by order, Aug 1, 1900

In re The London Parochial Charities (ex pte Central London Ry Co) adjd sums

In re Livesey Welby v Tweed adjd sums

In re Duke of Portland's Settled Estates & S L Acts adjd sums

In re Jane Smith Ramsay v Hambling adjd sums

In re Michell Iveson v Michell adjd sums

In re de Falbe's Estate adjd sums

In re The Companies Act, 1898, and In re The Aeggon Food Sweetmeat Co ld motn entered in non-wit list

In re Chataway & Milward ld Souhami v Chataway & Milward ld adjd sums

In re The Companies Acts, 1862 to 1898, and In re The Murton Turner Giltcross Agricultural, &c Works ld motn to rectify, &c entered in general list

In re Moore Bros & Co ld Bartholomew v Moore Bros & Co ld adjd sums

In re Longley Bourke v Longley adjd sums

In re The Hampshire Fruit Preserving Co ld & Co's Acts motn entered in general list

Further Considerations.

In re Bentley Bentley v Lees fur con

In re G H Smith Smith v Smith 2nd fur con

Hoffnung v Salisbury fur con after Official Referee's report

Pontifex v Pontifex & Wood ld 2nd fur con

In re Grain Grain v Humphreys fur con

Before Mr. Justice COZENS-HARDY.

Causes for Trial (with Witnesses).

In re The Gullewa Gold Mines ld Keating v Gullewa Gold Mines ld act

In re Same Same v Same adjd sums

Heath v Phoenix Gold Mines ld act (transferred from Q B D)

Same v Same adjd sums

Heath v Keating act

Neaverson v Peterborough Rural District District Council act

Johnson v Braggs act

Jewell v Aldridge act (Bridgewater DR)

Mooring v Farnell act without pleadings

Pullin v Braash act

Dent v Leighton act

Dewick v Hardy act

Hobbs v Dixon act for trial

Taylor v Sharrod act for trial without pleadings

Lamb v Dunlop act

In re Mason Perkin v Groom act

Pethick v Burnell act

Goldstein v Goldstein act

In re Butler Evison v Butler question No 1 of adjd sums entered in witness list

In re The Companies Acts, and In re The Transatlantic Trust & Co ld motn entered in witness list

In re O'Connor O'Connor v O'Connor O'Connor v O'Connor adjd sums entered in witness list

Cope v Marquess of Abergavenny act

Merttens v Hill act

Coolgardie Explorers ld v Kaufman act (stayed until return of Commission)

Sanderson v Sanderson act & m f j

Curtis v Ramuz act

Sandys v Fergusson, Cowan, & Co act

Page v Venn act & m f j

Sperling v Dyke act & counter-claim

Barham v Evered act Evered v Electrical Undertaking ld act to come on together

Tweedie v Oxley act & m f j

Peacock v Guest Peacock v Guest act
 Jones v H. Lovibond & Sons act
 Bradford Dyers' Assoc ld v Williams act
 Paine & Co ld v Bradshaw act
 Lowenstein & Co v Levy & Nephews act

Causes for Trial (without Witnesses) and Adjourned Summonses.

In re A Hatton Hatton v Tidd Pratt adj sums

In re J Hatton Hatton v Parnell adj sums

In re Eyre Coote Coote v Cadogan adj sums

In re Phillimore Phillimore v Herbert adj sums

In re T Hedley's Trade-Marks, Nos 223,526-7, and Patents, &c, Acts (ex parte Vinolia Co, ld) motn entered in Non-Witness List

In re The Same, Nos 225,557-8 motn entered in Non-Witness List

In re Fish Lea v Prestige adj sums

In re Fish Lea v Trustees, Exors, & Agency of New Zealand, ld adj sums

In re Pickett Milnes v Pickett adj sums

In re Muspratt Williams' Settlement Muspratt Williams v Howe adj sums

In re Hurley Nichols v Pargiter adj sums

In re Sibley Sibley v Painter further hearing of adj sums (restored)

In re Potter Stevens v Potter

In re Sherlock Orpe v Sherlock adj sums

In re Harrison In re Mercer Brennan v Mercer adj sums

In re Butler Evison v Butler adj sums

In re Weedon Weedon v Weedon adj sums

In re Cowley, an infant adj sums

Baglioni v Cavalli (expte Coulthard) adj sums

Same v Same (expte W H Hales) adj sums

Blake v Watkins (pltf) adj sums

Same v Same (deft) adj sums

Beattie v Bawtree adj sums

In re Clayton & Allen & V & P Act, 1874 adj sums

Dawe v Pritchard m f j (short)

Thompson v Cook adj sums

In re G Goote, one, &c (taxation) adj sums

In re Bainton Austin v Dyer adj sums

In re Rendell Wood v Rendell adj sums

Stockley v Stockley adj sums

In re The Great Empire Bottling Co ld Kohler v Great Empire, &c, ld m f j without pleadings

Further Considerations.

In re Stanworth Stanworth v Stanworth fur con

In re Appleby Graham v Day fur con

Graham v Appleby fur con

In re Ball Ball v Ball fur con adjd from Chambers and 4 summonses

In re The Arauco Co ld Fleming v The Company In re The Same

Tarks v The Company fur con

Before Mr. Justice FARWELL.

Causes for Trial (with Witnesses).

Bauer v Silicate Paint Co (J B Orr & Co, ld) act (s o Dec 31, 1900)

Law v Law act (s o by order)

Hunt v Luck act & two adjd sums (s o till Oct 25)

Rajah of Vizianagram v Turner act (s.o. till depositions filed, Nov 13, 1899)

Hewlings v Dalrymple act (s o till Oct 24)

Bunge v Higgingbottom & Co ld act (security ordered March 29)

J F Timms & Co ld v Timms act (s o till one month after affidavits filed)

Williams v Wyatt Wyatt v Williams act (s o till Re Williams and James disposed of in Court of Appeal)

Williams v Watkin act

In re Allison's Patent, No. 12,013 of 1887 & Patents, &c, Acts petn ordered to go into witness list by order, March 17, 1900 (s o for amendment)

Anderson v Hickman act

Rennie v Dracup act

Dunlop Pneumatic Tyre Co, ld v Non-Collapsible Tyre Co, ld act (pleadings to be delivered)

Dunning v Grosvenor Dairies, ld act

Emson v Isitt act

Way v Cooper act

Cavendish Investment Building Society v MacKenzie act

Moses v Baron Baron v Moses act

Thurston v Nottingham Permanent, &c, Society act

Owles v Sessions act

Down v Stephenson adjd sums (to be tried as witness act)

Terry v Terry act & point of law

In re Hare & O'More's Contract adjd sums (to be tried as witness act)

Jukes v Key act

Thomas v Mathias act

Davies v Taylor act

Mayor, &c of Wolverhampton v British Electric Traction Co ld act

Elliot v North act

Diprose v Belgravia Hotels Co ld act & m f j

Scaife v Swan act

James v Samuel act

Kennedy v Samborne act

In re Justice's Patent, 19,835 of 1895, &c petn entered in witness list

Harrison v Gracie

Orundall v Legge act & counter-claim

Dunlop Pneumatic Tyre Co ld v Rimington Bros & Co ld act (pleadings to be delivered)

New Cooper Cycle Fittings Co ld v Cooper act

Watson v Barker act

In re Winalow Ludlow v Winalow adjd sums entered in witness list

Moore v Hughes act

Willes v Earl act

In re Cordingley Carrodus v Cordingley act (Manchester D R)

Thompson v Chorley act (Manchester D R)

Before Mr. Justice BUCKLEY.

Causes for Trial (with Witnesses).

Mathews v Wilmer act (pleadings to be delivered)

Lord Monson v Inglis act (pleadings to be delivered)

A. W. Gamage ld v Bensley act (pleadings to be delivered)

Law v Spiers & Pond ld act

Same v Same act (transferred from Q B Division)

Keovil v Blackstaffe act (pleadings to be delivered)

Jones v Bialdell's Pencils ld act

Jones v Cooke act (s o 21 days after inspection)

Wrench v British Millervin Co ld act

Ackerman v Smallpeice act (s o by order)

Attorney-General v Mayor, &c, of Tynemouth act

Richard v Blake act (defence to be delivered)

Honywill v Mayor, &c, of Sheffield act (Q B Division)

Draper v Star Omnibus Co act (pleadings to be delivered)

Apostoloff v Wallace act

Rowley-Page & Bowley v Rastrick act

Parry v Williams act

In re Clisby Preston v Clisby act

Aston v Aston act

Macmullan v Macartney act

Treharris Brewery Co ld v Price act

Hallam v Stanley act

Urquhart v Newton act

Collins v Grinstead act and counter-claim

Edison Bell Consolidated Phonograph Co ld v Columbia Phonograph Co ld act (pleadings to be delivered)

Lisle v Reeve (trading, &c) act

In re M A Jones Johnson v Badger act & m f j

Allport v Burnett act

Redhill Market Hall Co ld v Bennett act

Kane v J Boyle & Co act

Bauer v Lamplugh act

Longcroft v Ford act

Wentworth v Peed act & m f j

Hollomby v Seabrook act

Whittles v Winterburn act

Green v Ellis act

Thomas v Lawrence adjd sums entered in witness list

Caithness v Ross act

THE PROPERTY MART.

SALES OF THE ENSUING WEEK.

Oct. 30.—Messrs. BEADRI, WOOD, & Co., at the Mart, at 2:—Little Thurrock and Orsett, Essex: Freehold Properties, close to Grays, on the London, Tilbury, and Southend Railway, comprising numerous blocks of Building Land, Little Thurrock Hall, several enclosures of accommodation land, cottages and gardens, embracing an area of 218 acres. Solicitors, Messrs. Woodward, Hood, & Thorne, London.—City of London (Minorities): Freehold Business Premises: £200 per annum; possession at Christmas next. Also the Leasehold Premises adjoining; let on lease at £100 per annum. Solicitors, Messrs. Woodward, Hood, & Thorne, London. (See advertisement, Oct. 30, p. 3.)

Oct. 30.—Messrs. DEBENHAM, TEWSON, FARMER, & BRIDGEWATER, at the Mart, at 2:—Hill Mead, Bushey, Herts: Freehold Residential Estate of about 36½ acres. Part of the land has extensive frontages to the London road and a side road, and possesses value for building purposes. The whole is let for 7, 14, or 21 years, from Lady Day, 1897, at £250 per annum. Solicitors, Messrs. Linklater, Addison, Brown, & Jones, London. (See advertisement, Oct. 13, p. 3.)

Nov. 1.—Messrs. H. E. FOSTER & CRANFIELD, at the Mart, at 2:

REVERSIONS:

To £4,500 of a Trust Fund; lady aged 57. Also, to One Twenty-first of £10,673 4 per Cent. Stock of the L. and N.-W. Railway. Solicitors, Messrs. Emmet, London.

To Freehold Properties in Devonshire, producing £49 per annum; lady aged 64. Solicitor, George Jolly, Esq., London.

To One-fourth of a Trust Fund, value £20,485; lady aged 65; with Policies. Solicitor, G. J. Fowler, Esq., London.

To Freehold Ground-rents at Notting Hill, of £54; lady aged 61. Solicitors, Messrs. Budd, Brodie, Hart, & Finch, London.

To One-half of Four Freehold Houses, producing £105 per annum; lady aged 55. Solicitor, W. B. Styer, Esq., London.

To One-eighth of a Trust Estate, value £5,400; lady aged 55, provided gentleman aged 25, be then living; with Policy. Solicitors, Messrs. Colyer & Colyer, London.

To One-sixth of £6,000, value of Property at Birmingham, &c.; lady aged 67. Solicitors, Messrs. Geo. B. Warrington & Co., London.

To One-third of £2,500; lady aged 45, secured upon a Trust Fund. Solicitors, Messrs. Gwynne-Griffith & Co., London.

LIFE INTEREST of a gentleman aged 32 in One-twelfth of Estate, producing £6,500 per annum, with Policy. Solicitors, J. Westcott, Esq., and Messrs. Morley, Shireff & Co., London.

POLICIES:

For £7,000. Solicitors, Messrs. Bowen & Symes, Weymouth.

For £5,000; gentleman aged 43. Solicitors, Messrs. Bloomer, Currie, & Damian, London.

For £2,000. Solicitors, Messrs. Morley, Shireff, & Co., London.

(See advertisements, this week, back page.)

RESULT OF SALE.

Messrs. C. C. & T. MOORE sold on Thursday last, at the Mart, Freehold Ground-rents of £20 a year, secured upon four Shops in Southend, for thirty-one years' purchase; a Freehold Residence in Romford-road, £900; a Copyhold House in Redman's-road, Stepney, £280; a short Leasehold Ground-rent of £34 10s. £220; for another of £26 a year, £250, both secured upon property in Mile End; Six Houses in Eastward-street, Bromley, £260; Freehold Beerhouse, the "Coach and Horses," Back Church-lane, £1,050. Result of sale, £4,580.

WINDING UP NOTICES.

London Gazette.—FRIDAY, Oct. 19.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

CUMBERLAND NIAGARA GOLD MINES, LIMITED (OLD COMPANY) (IN LIQUIDATION)—Creditors are required, on or before Friday, Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Arthur & Giffard, Blomfield House, London wall, Finsnes & Co, 14, St Helen's place, solers to liquidator

G. & J. RAWSTON, LIMITED (IN VOLUNTARY LIQUIDATION)—Creditors are required, on or before Nov 30, to send in their names and addresses, and the particulars of their debts or claims, to John William Tempest, Truslerian chambers, Postern gate, Hull. Jackson & Co, Hull, solers to liquidator

J. H. HOPKINS & SONS, LIMITED—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Walter Newton Fisher, 4, Waterloo st, Birmingham. Matthews & Co, Birmingham, solers to liquidator

JOHN BALEY, WHITE, & BROTHERS, LIMITED—Creditors are required, on or before Nov 28, to send their names and addresses, and the particulars of their debts or claims, to Charles St. Layer Brockman, No. 2, Lane at sq. Leonard & Pidditch, solers to liquidator

NORTH OF ENGLAND MUSICAL AND AUTOMATIC SUPPLY CO., LIMITED.—Creditors are required, on or before Nov 30, to send their names and addresses, and particulars of debts or claims, to Henry Headland Ayers, 48, Sunbridge rd, Bradford. Fifth, Bradford, solers to the liquidator.

OLDHAM STANDARD PRINTING AND NEWSPAPER CO., LIMITED.—Creditors are required, on or before Friday, Nov 16, to send their names and addresses, and the particulars of their debts or claims, to John Thomas Walton, 11, Fern st, Oldham. Astcroft & Maw, Oldham, solers to the liquidator.

OTTOF KOPPE DIAMOND MINES, LIMITED (1896).—Creditors are required, on or before Nov 35, to send their names and addresses, and the particulars of their debts or claims, to Edwin Brier Woodford and Thomas William Carr, 110, Cannon st. Minet & Co, 7, St Helen's place, solers to liquidators.

WEST AUSTRALIAN GOLD CONCESSIONS, LIMITED.—Peta for winding up, presented Oct 16, directed to be heard Oct 31. Nussey & Fellows, 1, Great Winchester st, solers for peters. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 30.

WEST AUSTRALIAN MINERALS AND FINANCE CO., LIMITED.—Peta for winding up, presented Oct 17, directed to be heard Oct 31. Birchalls, 86, Gracechurch st, solers for peters. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 30.

London Gazette.—TUESDAY, Oct. 23.

JOINT STOCK COMPANIES.

LIMITED IN CHANCERY.

BRITISH BLANKET AND LIGHT CO., LIMITED (IN LIQUIDATION).—Creditors are required, on or before Nov 24, to send their names and addresses, and the particulars of their claims or debts, to William Herbert Chantrey, 57, Moorgate st.

BROOK STRAM LAUNDRY CO., LIMITED (IN LIQUIDATION).—Creditors are required, on or before Dec 6, to send their names and addresses, and the particulars of their debts or claims, to Frederick Samuel Hillman, 9, Springfield rd, Altrincham. Walker, Manchester, solers to liquidator.

CHILTERNHAM ASSEMBLY ROOMS AND THEATRE CO., LIMITED (IN VOLUNTARY LIQUIDATION).—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Griffiths & Co, 2, Crescent place, Cheltenham, solers for liquidators.

CONDAL WATER CO., LIMITED.—Creditors are required, on or before Dec 15, to send in their names and addresses, and the particulars of their debts or claims, to H. S. Norris, 38, Walbrook.

HIGH STREET WAREHOUSE CO., LIMITED (IN LIQUIDATION).—Creditors are required, on or before Dec 6, to send their names and addresses, and the particulars of their debts or claims, to Frederick Walmsey, Trevelyan bldgs, Corporation st, Manchester. Walker, Manchester, solers to liquidator.

LEIGH'S CREEK COPPER MINING SYNDICATE (SOUTH AUSTRALIA), LIMITED.—Creditors are required, on or before Nov 29, to send their names and addresses, and the particulars of their debts or claims, to George Goldthorpe Hay, 9, St Mildred's ct, Poultry.

LONDON AND NEWCASTLE TRUST, LIMITED (IN LIQUIDATION).—Creditors are required, on or before Nov 24, to send their names and addresses, and the particulars of their claims or debts, to William Herbert Chantrey, 57, Moorgate st.

LONDON AND ORIENTAL AGENCY, LIMITED.—Peta for winding up, presented Oct 22, directed to be heard on Oct 31. Bircham & Co, 50, Old Broad st, solers for peters. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 30.

MALIBORO' HOTELS CO., LIMITED.—Peta for winding up, presented Oct 19, directed to be heard on Oct 31. Smith & Hudson, 6, Mincing lane, solers for peters. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 30.

MORARCH SYNDICATE, LIMITED.—Creditors are required, on or before Dec 5, to send their names and addresses, and the particulars of their debts or claims, to Edward Henry Young, 8, Draper's close. Parker & Richardson, Finsbury House, Blomfield st, solers.

RANDOLPH PERCY & CO., LIMITED.—Peta for winding up, presented Oct 22, directed to be heard Oct 31. Ashurst & Co, 27, Throgmorton av, solers for peters. Notice of appearing must reach the above-named not later than 6 o'clock in the afternoon of Oct 30.

SKIDMORE LUMLEY HOTEL CO., LIMITED (IN LIQUIDATION).—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to George Walker, Spilley Rainey, Spilley, solers.

TANTAL MINERALS REDUCTION SYNDICATE, LIMITED (IN LIQUIDATION).—Creditors are required, on or before Dec 6, to send their names and addresses, and the particulars of their debts or claims, to John Peters, St George's House, Eastcheap. Heiron, Eastcheap, solers to liquidator.

WOOD & DIXON, LIMITED.—Creditors are required, on or before Nov 30, to send their names and addresses, and the particulars of their debts or claims, to Richard Sanderson, 5, Herbert cres. Hill & Co, solers for liquidator.

FRIENDLY SOCIETIES DISSOLVED.

FRANT FRIENDLY SOCIETY, National Schoolrooms, Frant, Tunbridge Wells. Oct 10.

LONDON AND SOUTH-WESTERN GUARDS' MUTUAL BENEFIT FUND SOCIETY, Guards' Room, Waterloo Station. Oct 9.

CREDITORS' NOTICES.

UNDER 22 & 23 VICT. CAP. 35.

LAST DAY OF CLAIM.

London Gazette.—FRIDAY, Oct. 19.

AILEY, ELIZA, Darlington Nov 14 Yeoman & Waddy, Darlington

ANDREW, SAM FAREWELL, Upper Hallam, Sheffield, Farmer Nov 23 Smith & Co, Sheffield

ASHWORTH, FREDERICK, Hyde, Chester Oct 30 Smith & Sons, Hyde

BIGNELL, WILLIAM, Farnham, Surrey Nov 30 Foster & Wells, Aldershot

BLACKMAN, GEORGE, Moseley, Worcester Nov 19 Whitelock, Birmingham

BOLLS, MARY ADELINA, Ekinouth Nov 29 Hunters & Haynes, New sq, Lincoln's in

BOTTOMLEY, JOHN, South Milford, York Oct 17 Scatterd & Co, Leeds

BRANKHALL, JAMES, Rochdale Nov 10 Ducker & Moleworth, Manchester

CHAMBERS, WILLIAM, Brinkley, Builder Nov 30 Bridgman & Willcocks, College hill, Chesham st

CLEBORNE, JAMES, Berwick upon Tweed Oct 31 Sanderson & Weatherhead, Berwick upon Tweed

COWARD, JAMES EDWARD, Caine, Wilts, Farmer Nov 30 Spackman, Caine

DAWSON, FREDERICK, Muckley Corner, nr Lichfield Dec 1 Russell, Lichfield

DAWSON, HARRIETT ALICE, Muckley Corner, nr Lichfield Dec 1 Russell, Lichfield

DUNKERLEY, ELIZABETH, Oldham Dec 17 Lees, Oldham

FEEL, JACOB, Fell st, Merchant Dec 31 Gush & Co, Finsbury cres

GANNIDGE, JANE, Rothwell, Northampton Nov 30 Threlfall, Kettering

GLENFIELD, FRANK, Liverpool, Merchant White & Leonard, Lodgegate cres

GORDON, ROY WILLIAM THOMAS, Brighton Nov 19 Few & Co, Surrey st

GOSLING, GEORGE MATTHEW, Newport hill Nov 23 Hall, Gray's inn sq

GREEN, LOUISA, Birmingham Nov 30 Ellis, Birmingham

GREENE, ALEXANDER MONTGOMERY, Bitchington on Sea, Stock and Share Dealer Nov 30 Smith & Son, Gresham House

GRIFFITH, DOROTHEA, Barmouth, Marioneth Nov 28 Pybus, Barmouth

HARGREAVES, JAMES SMITH, Heywood, Lancs, Towel Manufacturer Dec 1 Addleshaw & Co, Manchester

HARRIS, GERALDINE, Babbacombe Nov 17 Kiteons & Co, Torquay

HILL, REV EDWARD, Sheering, Essex Nov 9 Creed, Epping

HOLE, SUSANNA, Tunbridge Wells Nov 2 Guillaume & Sons, Salisbury sq

JACOBS, JOSEPH, Liverpool Dec 1 North & Co, Liverpool

JONES, RICHARD, Salford, Lancs Nov 26 Dixon & Linnell, Manchester

KELLY, ELIZA, Newport, Mon Nov 16 Cook & Ardagh, Cardiff

KING, CHARLES THOMAS, Croydon Nov 17 Whitehead & Co, Cambridge

LATHBURN, CAROLINE, Burton upon Trent Nov 15 J & W J Drewry, Burton upon Trent

MATTOCKS, ALFRED, Basford, Nottingham, Pattern Reader Nov 21 Elking & Wyles, Nottingham

MELTON, HENRY, Bayswater Dec 15 Downey & Linnell, Conduit st

MENNELLY, LILLIAN, Francis st, Bloomsbury Nov 30 Stewart, Cannon st

O'SHELL, WILLIAM JAMES, Northam, Southampton Dec 7 Emanuel, Southampton

PIGOTT, REV RANDOLPHE HENRY, Underwood, near Aylesbury Dec 1 Patersons & Co, Lincoln's inn fields

PROCTOR, ELIZABETH, Upper Tulse hill Jan 1 Hughes & Sons, John st, Bedford rw

RAUTENSTRAUCH, HUGEN, Cologne Nov 17 Rohders & Higgs, Mincing ln

REEKS, REV JOSEPH WILLIAM, Woolwich, Kent Dec 1 Greenop, Lincoln's inn fields

SPARROW, ETHEL MAUD, Bournemouth Nov 5 Phillips & Boyle, Gresham House

STEEL, JAMES, Southend, Essex Nov 17 W & F Gregson, Southend

SVKES, JONATHAN, Almondsbury, Huddersfield, Ironfounder Nov 30 Dransfield, Huddersfield

TINGCOMBE, EMILY SARAH, Worthing Dec 1 Tyler, Clement's inn, Strand

TWIGGER, THOMAS, Nottingham, Licensed Victualler Nov 17 Johnstone & Williams, Nottingham

WARDEN, JULIA KATHERINE, Park rd, Regent's pk Nov 23 Kingdon & Co, Lawrence in

WILL, EDWARD, Whalley Range, nr Manchester, Merchant Nov 30 Jackson & Newton, Manchester

WILKINSON, ROBERT JOSIAH, Shrewsbury, JP Nov 24 Salt & Sons, Shrewsbury

London Gazette.—TUESDAY, Oct. 23.

BETTESWORTH, THOMAS, Portlaid, nr Brighton, Licensed Victualler Dec 7 Marchant & Co, College st

BOWEN, RICHARD, Neath, Glam, Farmer Nov 19 Outhbertson & Powell, Neath

BROOKER, URIAH PAGDEN, Maidenhead, Berks, Grocer Nov 30 Brain & Brain, Reading

BROWN, FRANCES, Lee Dec 1 Freeman & Son, Foster in, Champsie

BUSHELL, MARTHA ARUNDELL, Croydon Nov 30 Ewbank & Co, South sq, Gray's inn

BUTLER, CATHERINE, Warwick Nov 24 Moore & Tibbitts, Warwick

CROFT, JAMES, Burlescombe, Devon Nov 30 Harding & Barnett, Leicester

DESPARD, FITZHERBERT RUXTON, Beira Nov 22 McDiarmid & Hill, Newman's ct

GILLESPIE, WILLIAM AUGUSTUS, Llanarth, Mon Dec 1 Gabb & Walford, Abergavenny

GREEN, JAMES, Manchester Dec 1 Potter, Manchester

GRUMMETT, WILLIAM, Chelsea Dec 1 Bower & Parkes, Lincoln's inn fields

HALL, WILLIAM, Audenshaw, Lancs Nov 24 Richards & Hurst, Ashton under Lyne

HARRIS, JOHN MASON, Brighton Nov 18 Snow & Co, Gt St Thomas Apostle

HATLEY, CAROLINE, Walthamstow Nov 30 Wyatt, Brixton hill

HOOKE, WALTER JAMES, Sandwich, Kent Nov 17 Emerson & Co, Sandwith

HUBBERT, WILLIAM, Aldershot, Farrier Nov 30 Foster & Wells, Aldershot

JEFFRIES, ROBERT LEONARD, Wilmaloe, Chester Dec 25 Marriott & Co, Manchester

JORDAN, ANN, Poole, Somerset Dec 1 Booker, Wellington

KEEL, ELIZA, Birmingham Nov 24 Dale & Co, Birmingham

LATTOCK, GEORGE DIGGS, Camden rd Dec 1 Southgate, Ironmonger in

LEGG, WILLIAM DOUGLAS, Epsom, Surrey Nov 18 Spencer, Plymouth

LOCKWOOD, GEORGE, Greenwich, Newagent Nov 30 Peddell, Basinghall st

LOFTY, MARY ARUNDELL, Croydon Nov 30 Ewbank & Co, South sq, Gray's inn

LONGDEN, HANNAH, Sutton, Chester Nov 10 Daniel & Oldfield, Macclesfield

MACDOUGALL, ANN BAWDEN, Newton Abbott, Devon Nov 24 Paul, Truro

MACDONALD, JOSEPH, J P, Egham, Surrey Dec 4 Roy & Cartwright, Coleman st

MOOREHEAD, JOHN, jun, Crumppall, Manchester Nov 17 Lancashire & Humphreys, Manchester

PHILIPS, JAMES FARRER, Great Grimsby, Blacksmith Nov 21 Wilkin & Chapman, Great Grimsby

PONCIA, FERDINAND THEODORE, Birmingham Nov 30 Frith, Birmingham

PRINCE, THOMAS, Lancaster, Tripe Dresser Nov 10 Todd, Lancaster

WALKER, CATHERINE, Brighton Nov 30 Drake & Co, Road in

WALKER, THOMAS, Windermere, Westmorland, Licensed Victualler Nov 10 Cartmel, Kendal

WEEKES, THOMAS PYM BURT, Gravesend Nov 30 Tolhurst & Co, Gravesend

FOR THROAT IRRITATION AND COUGH "Epps's Glycerine Jujubes" always prove effective. They soften and clear the voice, and are invaluable to all suffering from cough, soreness, or dryness of the throat. Sold only in labelled tins, price 7½d. and 1s. 1½d. James Epps & Co., Ltd., Homoeopathic Chemists, London.—[ADVT.]

WARNING TO INTENDING HOUSE PURCHASERS AND LESSEES.—Before purchasing or renting a house have the Sanitary Arrangements thoroughly Examined, Tested, and Reported upon by an Expert from The Sanitary Engineering Co. (H. Carter, C.E., Manager), 65, Victoria-street, Westminster. Fee quoted on receipt of full particulars. Established 25 years. Telegrams, "Sanitation," London.—[ADVT.]

BANKRUPTCY NOTICES.

London Gazette.—FRIDAY, Oct. 19.

RECEIVING ORDERS.

ADRIE, CALEB, Aylesbury, Builder Aylesbury Pet Aug 16 Ord Oct 17
 APPELBY, JOHN COWTON, York, Clothier York Pet Oct 15 Ord Oct 15
 ATKINS, HERBERT, Bray, Berks, Licensed Victualler Windsor Pet Sept 29 Ord Oct 18
 BATES, JOHN HENRY, Cleckheaton, Clothier Bradford Pet Oct 17 Ord Oct 17
 BEVAN, JAMES CLARK, Lower Easton, Bristol, Timber Dealer Bristol Pet Oct 15 Ord Oct 15
 BUDD, ALFRED SAMUEL, Portsmouth, Baker Portsmouth Pet Oct 11 Ord Oct 11
 BURNETT, CHARLES FRANKLYN, Wakefield, Draper's Assistant Dewsbury Pet Oct 16 Ord Oct 16
 COLES, FREDERICK JOHN, Upper Holloway, Wholesale Confectioner High Court Pet Oct 16 Ord Oct 15
 COOPER, ABRAHAM, WILLIAM COOPER, and EMERY COOPER, Lower Standon, Beds, Farmers Bedford Pet Oct 15 Ord Oct 15
 COTTELL, JOE, Netherfield, Notts, Builder Nottingham Pet Oct 15 Ord Oct 15
 DENNEY, ISAAC JOHN, New Brighton, Cheshire, Plumber Birkenhead Pet Oct 15 Ord Oct 15
 DODGSON, JOSEPH HENRY, Morecambe, Lancs, Builder Preston Pet Oct 15 Ord Oct 15
 EDWARDS, CHARLES BASIL, Theobald's rd, Butcher High Court Pet Oct 10 Ord Oct 17
 HARLOCK, ROBERT WILLIAM, South Kensington, Builder High Court Pet Oct 15 Ord Oct 15
 HUDSON, FRANK STAFFORD, Waterloo, Liverpool, Builder Pet Oct 16 Ord Oct 15
 HUGHES, JOSEPH WILLIAM, Wolverhampton, Joiner Wolverhampton Pet Oct 16 Ord Oct 16
 HORNE, GEORGE WILLIAM GODDARD, Arnold, Notts, Grocer Nottingham Pet Oct 15 Ord Oct 15
 HUTCHERSON, HENRY, Gosberton, Lincs, Harness Maker Peterborough Pet Oct 15 Ord Oct 15
 JEFFS, HENRY CHARLES, Sunderland, Average Adjuster Sunderland Pet Oct 4 Ord Oct 16
 KIRVITS, HARRY MARY CONSTANT, Farringdon av. China Merchant High Court Pet Oct 15 Ord Oct 15
 LENNARD, RUSSELL, Stepney, Job Master High Court Pet Sept 15 Ord Oct 17
 MACKELDEN, JANE CLINCH, Chatham, Grocer Rochester Pet Oct 16 Ord Oct 16
 MORTON, ALLAN, Rawrick, nr Halifax, Butcher Halifax Pet Oct 16 Ord Oct 16
 MURRAY, MARY SOMERVILLE, Bedford sq High Court Pet June 25 Ord Oct 17
 O'DONNELL, FRANCIS, Leeds, Builder Leeds Pet Sept 28 Ord Oct 18
 OXTON, CHARLES ALBERT, Kingston upon Hull, Horse Dealer Kingston upon Hull Pet Oct 16 Ord Oct 16
 POWER, JOHN, Birkenhead, Boot Maker Birkenhead Pet Oct 16 Ord Oct 16
 SMITH, LEONARD GOULDER, Blackpool, Sign Writer Preston Pet Oct 16 Ord Oct 16
 SMITH, RICHARD, nr Stratford on Avon, Farmer Warwick Pet Oct 12 Ord Oct 12
 SOWERBY, WILLIAM, Westgate, York, Horse Dealer Oldham Pet Oct 16 Ord Oct 16
 STOCKLEY, EDWARD, Bickerstaffe, nr Ormskirk, Farmer Liverpool Pet Oct 10 Ord Oct 16
 STONE, FREDERICK WILLIAM, Southampton, Commission Agent Southampton Pet Oct 15 Ord Oct 15
 TELLING, WILLIAM, Ashton Keynes, Wilts, Farmer Swindon Pet Oct 16 Ord Oct 16
 WALTERS, HOWELL PANTTURLYN, Llanamlet, Glam, Insurance Agent Swansea Pet Oct 15 Ord Oct 15
 WELDON, WILLIAM CROSS, Bridlington, Yorks, Boot Dealer Scarborough Pet Oct 15 Ord Oct 15
 WESTMACOTT, LOUISE, Dartmouth, Licensed Victualler Plymouth Pet Oct 17 Ord Oct 17
 WIGINGTON, WILLIAM, Ovensden, Halifax, Farmer Halifax Pet Oct 16 Ord Oct 16
 WILSON, THOMAS ARTHUR, Nottingham, Commission Agent Nottingham Pet Oct 15 Ord Oct 15

FIRST MEETINGS.

APPELBY, JOHN COWTON, York, Clothier Oct 29 at 12.15 Off Rec, 28, Stonegate, York
 ATKINSON, GEORGE HENRY, Gt Grimsby, Furniture Dealer Oct 26 at 12.15 Off Rec, 15, Osborne st, Gt Grimsby
 BARBAR, CHARLES FOSTER DAN, Littleport, Cambs, Butcher Oct 27 at 11 Off Rec, 5, Petty Cury, Cambridge
 BECK, EDWARD, jun, Chard, Somerset Oct 26 at 2 Off Rec, 58, Hammett st, Taunton
 BENSON, JAMES, Lancaster, Farmer Oct 29 at 11.30 Off Rec, 16, Cornwalls st, Barrow in Furness
 BORLAND, JAMES, Wolverhampton, Tailor Oct 26 at 11.30 Off Rec, Wolverhampton
 BRICKELL, RICHARD, Lee, Kent, Butcher Oct 26 at 11.30 Off Rec, 24, Railway sq, London Bridge
 BROWN, ROBERT WILLIAM, Great Yarmouth, Journeyman Confectioner Oct 27 at 11 Off Rec, 8, King st, Norwich
 BUDD, ALFRED SAMUEL, Portsmouth, Baker Oct 29 at 2 Off Rec, Cambridge junc, High st, Portsmouth
 COLES, FREDERICK JOHN, Upper Holloway, Wholesale Confectioner Oct 31 at 11 Bankruptcy bldg, Carey st CUNNINGHAM, HENRY, Lowestoft, Cab Proprietor Oct 27 at 11.30 Off Rec, 8, King st, Norwich
 ENSLEY, OLIVER HARRISON, Bradford, Coal Merchant Oct 26 at 11 Off Rec, 31, Manor row, Bradford
 GRIFFITH, WILLIAM LEONARD, Newborough, Northampton, Publican Oct 26 at 11.45 Law Courts, New rd, Peterborough

GRIFFITH, SARAH, Newport, Salop, Painter Oct 29 at 11.30 Wright & Westhead, 1, Martin st, Stafford
 JONES, WILLIAM, Coppenhall, Plasterer Oct 26 at 10.30 Royal Hotel, Crewe
 LLEWELLYN, GEORGE, Tonypandy, Glam, Saddler Oct 26 at 3 135, High st, Merthyr Tydfil
 MACKELDEN, JANE CLINCH, Chatham, Grocer Oct 29 at 11 115, High st, Rochester
 MARGARITIS, HERACLIUS DEMETRIUS, Gt Tower st, Dried Fruit Importer Oct 30 at 11 Bankruptcy bldg, Carey st
 MERRIFORD, WALTER WILLIAM, Gloucester, Haulier Oct 27 at 12 Off Rec, Station rd, Gloucester
 NEILL, ALBERT GEORGE SMITH, Horsted Keynes, Sussex, Dairy Farmer Nov 1 at 10.30 Off Rec, 4, Pavilion bldg, Brighton
 NUTT, JAMES WILLIAM, Camberwell, Solicitor Oct 29 at 12 Bankruptcy bldg, Carey st
 O'DONNELL, FRANCIS, Leeds, Builder Oct 26 at 11 Off Rec, 22, Park row, Leeds
 PAYNE, ARTHUR GEORGE, Christchurch, Brick Manufacturer Oct 26 at 11 6, Athenium ter, Plymouth
 PLATTEN, ROBERT SAMUEL, and PHILIP JOHN PLATTEN, Clifton, Norfolk, Farmers Oct 27 at 12.45 Off Rec, 8, King st, Norwich
 POWELL, WILLIAM, CHRISTIE, Pontardawe, Glam, Foot Law Clerk Oct 26 at 12 Off Rec, 31, Alexandra rd, Swansea
 STOCKLEY, EDWARD, Bickerstaffe, Ormskirk, Farmer Oct 30 at 12 Off Rec, 25, Victoria st, Liverpool
 STONE, FREDERICK WILLIAM, Southampton, Commission Agent Oct 31 at 3 Off Rec, 173, High st, Southampton
 TOMPKINS, ARTHUR, Finedon, Northampton, Cycle Agent Oct 26 at 11.30 Off Rec, Bridge st, Northampton
 TURNER, CHARLES DOWLING, Gt Yarmouth, Licensed Victualler Oct 27 at 1.15 Off Rec, 8, King st, Norwich
 WALLHEAD, HERBERT, Nuneaton, Coal Merchant Oct 29 at 11 17, Hertford st, Coventry
 WATT, JAMES, Guisborough, Butcher Oct 31 at 3 Off Rec, 8, Albert rd, Middleborough
 WELDON, WILLIAM CROSS, Bridlington, Yorks, Boot Dealer Oct 30 at 3 74, Newborough, Scarborough
 WIDBELL, JOHN EDWARD, Garsdale, Derby, Farmer Oct 26 at 11 Off Rec, 47, Pull st, Derby
 WILDMAN, STEPHEN, Yeading, York, Worsted Spinner Oct 6 at 2 Off Rec, 31, Manor row, Bradford

ADJUDICATIONS.

APPELBY, JOHN COWTON, York, Clothier York Pet Oct 15 Ord Oct 15
 BATES, JOHN HENRY, Cleckheaton, Yorks, Clothier Bradford Pet Oct 17 Ord Oct 17
 BEVAN, JAMES CLARK, Lower Easton, Bristol, Timber Dealer Bristol Pet Oct 15 Ord Oct 15
 BORLAND, JAMES, Wolverhampton, Tailor Wolverhampton Pet Sept 24 Ord Oct 16
 BRICKELL, RICHARD, Lee, Kent, Butcher Greenwich Pet Sept 7 Ord Oct 16
 BROWN, ROBERT WILLIAM, Gt Yarmouth, Journeyman Confectioner Gt Yarmouth Pet Oct 18 Ord Oct 17
 BURNETT, CHARLES FRANKLYN, Wakefield, Draper's Assistant Dewsbury Pet Oct 16 Ord Oct 16
 COTTELL, JOE, Netherfield, Notts, Builder Nottingham Pet Oct 15 Ord Oct 15
 CUNNINGHAM, HENRY, Lowestoft, Cab Proprietor Great Yarmouth Pet Sept 26 Ord Oct 16
 DODGSON, JOSEPH HENRY, Morecambe, Lancs, Builder Preston Pet Oct 15 Ord Oct 15
 HARRIS, CORNELIUS BENNETT, Clapham Wandsworth Pet Aug 8 Ord Oct 16
 HARLOCK, ROBERT WILLIAM, South Kensington, Builder High Court Pet Oct 16 Ord Oct 16
 HORNE, GEORGE WILLIAM GODDARD, Arnold, Notts, Grocer Nottingham Pet Oct 15 Ord Oct 15
 HOWARD, MONTAGUE PERCY, Friern rd, Dulwich, Estate Agent High Court Pet Sept 27 Ord Oct 16
 HUGHES, JOSEPH WILLIAM, Wolverhampton, Joiner Wolverhampton Pet Oct 16 Ord Oct 16
 HUTCHERSON, HENRY, Gosberton, Lincs, Harness Maker Peterborough Pet Oct 15 Ord Oct 15
 MACKELDEN, JANE CLINCH, Chatham, Grocer Rochester Pet Oct 16 Ord Oct 16
 MERRIFORD, WALTER WILLIAM, Gloucester, Haulier Bradford Pet Sept 15 Ord Oct 16
 MORTON, ALLAN, Rawrick, nr Halifax, Butcher Halifax Pet Oct 16 Ord Oct 16
 MUNRO, JOHN JAMES, Broadstairs, Kent, Licensed Victualler Canterbury Pet Aug 3 Ord Oct 15
 OXTON, CHARLES ALBERT, Kingston upon Hull, Horse Dealer Kingston upon Hull Pet Oct 16 Ord Oct 16
 PAYNE, ARTHUR GEORGE, Christchurch, Hants, Brick Manufacturer Plymouth Pet Oct 3 Ord Oct 17
 PEARCE, WILLIAM, Stoke upon Trent, Earthenware Manufacturer Stoke upon Trent Pet Sept 27 Ord Oct 17
 POWER, JOHN, Birkenhead, Boot Maker Birkenhead Pet Oct 16 Ord Oct 16
 ROSE, FRANK, Sheppy pl, Minorca, Cork Merchant High Court Pet Sept 5 Ord Oct 17
 SMITH, LEONARD GOULDER, South Shore, Blackpool, Sign Writer Preston Pet Oct 16 Ord Oct 16
 SOWERBY, WILLIAM, Westgate, Horse Dealer Oldham Pet Oct 16 Ord Oct 16
 STOCKLEY, EDWARD, Bickerstaffe, nr Ormskirk, Farmer Liverpool Pet Oct 10 Ord Oct 17
 STONE, FREDERICK WILLIAM, Southampton, Commission Agent Southampton Pet Oct 15 Ord Oct 15
 TELLING, WILLIAM, Ashton Keynes, Wilts, Farmer Swindon Pet Oct 16 Ord Oct 16
 WALTERS, HOWELL PANTTURLYN, Llanamlet, Glam, Insurance Agent Swansea Pet Oct 15 Ord Oct 15

WEBSTER, WILLIAM ANTHONY, Gilestone, Hereford, Cattle Dealer Hereford Pet Sept 10 Ord Oct 15
 WELSH, EILEEN, Helling Brentford Pet Aug 29 Ord Oct 15
 WESTMACOTT, LOUISE, Dartmouth, Devon, Licensed Victualler Plymouth Pet Oct 17 Ord Oct 17
 WHITEHEAD, ROBERT, Birmingham, Grocer Birmingham Pet Oct 10 Ord Oct 15
 WIGINGTON, WILLIAM, Ovensden, Halifax, Farmer Halifax Pet Oct 16 Ord Oct 16
 WILSON, THOMAS ARTHUR, Nottingham, Commission Agent Nottingham Pet Oct 15 Ord Oct 15

Amended notice substituted for that published in the London Gazette of Oct 5:

JONES, ALFRED, Fias Clough Farm, nr Denbigh, Farmer Bangor Pet Aug 4 Ord Sept 16

London Gazette.—TUESDAY, Oct. 23.

RECEIVING ORDERS.

ABBOTT, ALBERT JOSEPH, and RICHARD EVANS, Rhyl, Flint, Hairdressers Bangor Pet Oct 18 Ord Oct 16
 ALCOCK, TOM, Chestham, Manchester, Journeyman Joiner Manchester Pet Oct 19 Ord Oct 19
 ALLAN, JARRETT OWEN, Conduit st, Tailor High Court Pet Oct 19 Ord Oct 19
 BLAZEBY, BECK, & Co, Blackburn, Warehousemen Blackburn Pet Oct 2 Ord Oct 17
 BONHAM, HAROLD, Kettering, Shoe Operative Northampton Pet Oct 17 Ord Oct 17
 BOOTH, JOSEPH, Middlesbrough, Chalker Middlesbrough Pet Oct 18 Ord Oct 18
 CANDELL, C.F. and A.B. HALL, Isleworth, Builders Brentford Pet Sept 15 Ord Oct 19
 DELIUS, MAX JULIUS, Bradford, Merchant Bradford Pet Sept 25 Ord Oct 18
 DENNIS, JOSEPH, Longton, Staffs, Earthenware Manufacturer Stoke upon Trent Pet Sept 25 Ord Oct 19
 DURHAM, ALBERT EDWARD, Newham, Glas, Grocer Gloucester Pet Oct 19 Ord Oct 19
 EADE, FREDERICK, St Martin's le Grand, Licensed Victualler High Court Pet Sept 5 Ord Oct 19
 EDWARDS, NORMAN FREDERICK, New Hunsanton, Norfolk, Caterer King's Lynn Pet Oct 19 Ord Oct 19
 ESCRETT, JOHN FRANCIS HENRY, Burton on Stather, Lincs, Engineer's Foreman Gt Grimsby Pet Oct 30 Ord Oct 30
 EVANOVICH, GUSEB, Hart st, Bloomsbury High Court Pet Aug 17 Ord Oct 19
 FAZAN, HERBERT, Catford, Kent, Commercial Traveller Greenwich Pet Oct 15 Ord Oct 15
 FOSDICK, EILEEN BESSIE, Lower Tooting, Spinster Wandsworth Pet Aug 29 Ord Oct 18
 GILL, EDWARD WILLIAM, Leeds, Timekeeper Leeds Pet Oct 19 Ord Oct 19
 GOTHARD, HENRY WARNER, Bootle, Liverpool, Builder Liverpool Pet Sept 26 Ord Oct 19
 HANNENT, ALFRED EDWARD, Norwich, Fruit Grower Norwich Pet Oct 18 Ord Oct 18
 HAYES, THOMPSON, & KAHLE, Norwich, Cycle Agents Norwich Pet Sept 24 Ord Oct 19
 HEATH, ALBERT EDWARD, Feltham Kingston, Surrey Pet Oct 19 Ord Oct 19
 HIPKINS, FRANCIS MOSES, Stourbridge, Baker Stourbridge Pet Oct 16 Ord Oct 16
 HODGSON, SAM MILNES, Bradford, Butcher Bradford Pet Oct 19 Ord Oct 19
 HOLMES, WILLIAM, Brinkley Hill, Staffs, Basket Manufacturer Stourbridge Pet Oct 18 Ord Oct 18
 HOPKINS, WILLIAM HENRY, Leicester Leicester Pet Oct 30 Ord Oct 30
 HOWARD, JOHN, Kingston upon Hull, Cab Proprietor Kingston upon Hull Pet Oct 30 Ord Oct 30
 HUNT, EDWARD JOSEPH, Dorchester, Clothier Dorchester Pet Oct 19 Ord Oct 19
 JONES, ALBERT D, Hackney, Licensed Victualler High Court Pet Sept 13 Ord Oct 20
 KIRK, EDWARD, Stoke Newington, Restaurant Keeper High Court Pet Oct 19 Ord Oct 19
 LACEY, ANNIE FLORENCE, Eastbourne, Landlady Eastbourne Pet Oct 18 Ord Oct 18
 MELVILLE, WALTER, Wood Green, Builder Edmonton Pet Sept 27 Ord Oct 18
 NEALE, WILLIAM, Clevedon, Nottingham, Licensed Victualler Nottingham Pet Oct 30 Ord Oct 30
 PACKWOOD, WILLIAM HENRY, Stourbridge, Worcester, Public house Manager Stourbridge Pet Oct 19 Ord Oct 19
 PRESTON, JOHN ALFRED, Savile row, Tailor High Court Pet July 30 Ord Sept 26
 QUARLEY & Co, Stratford, Leather Dealer High Court Pet Aug 1 Ord Oct 19
 READER, ROBERT LOFTAS, Headingley, Leeds, Licensed Victualler Kingston upon Hull Pet Oct 18 Ord Oct 18
 ROTHELY, LAWRENCE, Huddersfield, Hairdresser Huddersfield Pet Oct 16 Ord Oct 16
 SALTER, WILLIAM EDWARD, Mark, Somerset, Farmer Wells Pet Oct 15 Ord Oct 19
 SAMUEL HARRIS & Co, Oldbury pl, Marylebone, Cabinet Makers High Court Pet Sept 19 Ord Oct 19
 SHACKLETON, SELINA, Bradford, Greengrocer Bradford Pet Oct 18 Ord Oct 18
 SHARP, WILLIAM, Selby, Yorks, Journeyman Tailor York Pet Oct 18 Ord Oct 18
 SLAUGHTER, REES JAMES, Brynmawr, Brecon, Grocer Tredegar Pet Oct 19 Ord Oct 19
 TIMMON, WILLIAM, Birmingham, Scalesmaker Birmingham Pet Oct 19 Ord Oct 19
 WILLIAMS, EVANS, and DAVID ELLIS DAVIES, Degawwy, Cwmyston, Builders Bangor Pet Oct 17 Ord Oct 17
 WISHART, JAMES, Bradford, Merchant Bradford Pet Oct 6 Ord Oct 18
 WRIGHT, THOMAS ADAMS, Haverhill, Suffolk, Wine Merchant Cambridge Pet Oct 19 Ord Oct 19

Amended notice substituted for that published in the London Gazette of Sept 26:

SAMUEL, ISAAC, and WILLIAM SAMUEL, Derby, Paperhanging Dealers Derby Pet Sept 19 Ord Sept 19

FIRST MEETINGS.

AUSTIN, HENRY, Faringdon, Berks, Builder Nov 2 at 3.30 Off Rec, 25, Regent ch, New Swindon
 BARNES, JOSEPH JAMES, Basing, Commission Agent Nov 1 at 12 Off Rec, 95, Temple chambers, Temple av
 BATES, JOHN HENRY, Clackhaston, Yorks, Clothier Oct 30 at 11.30 Off Rec, 31, Manor row, Bradford
 BEVAN, JAMES CLARK, Lower Haslem, Bristol, Timber Dealer Oct 31 at 12.15 Off Rec, Baldwin st, Bristol
 BISSALL, HAROLD E., Handsworth, Stafford, Stock Broker Nov 1 at 11 174, Corporation st, Birmingham
 BURNETT, CHARLES FRANKLY, Wakefield, Drapers' Assistant Nov 1 at 11 Off Rec, Bank chambers, Bailey
 COTTRELL, JON, Netherfield, Notts, Builder Oct 30 at 11.30 Off Rec, 4, Castle pl, Park st, Nottingham
 CROMIE, JAMES, Liscard, Chester, Builder Oct 31 at 12 Off Rec, 35, Victoria st, Liverpool
 DANCE, HENRY, St John in Bedwardine, Worcester, Market Gardener Nov 1 at 11 45, Copenhagen st, Worcester
 DA SILVA, ADEIRTO JOSE GOMES, Whittington rd, Bowes pk, Watch Dealer Nov 1 at 3 Off Rec, 95, Temple chambers, Temple av
 DELIN, MAX JULIUS, Bradford, Merchant Oct 31 at 11 Off Rec, 31, Manor row, Bradford
 DENNY, ERIC JOHN, New Brighton, Chester, Plumber Oct 31 at 2 Off Rec, 35, Victoria st, Liverpool
 EDWARDS, CHARLES BASIL, Theobald's rd, Betcher Nov 3 at 11 Bankruptcy bldg, Carey st
 EDWARDS, ERNEST, and CORNELIUS ALEXANDER MORLEY, Wood Green, Drapers Oct 31 at 3 Off Rec, 95, Temple chambers, Temple av
 FRANCIS, JAMES, St James End, Northampton, Commercial Clerk Nov 1 at 11 Off Rec, Bridge st, Northampton
 FRONT, JOHN CHARLES, Stoke Newington Baker Oct 31 at 12 Off Rec, Temple chambers, Temple av
 GILL, WILLIAM, Southend on Sea, Brake Proprietor Nov 2 at 3 95, Temple chambers, Temple av
 HANFORD, CORNELIUS BERNET, Clapham Oct 31 at 11.30 24, Railway app, London Bridge
 HURD, CORNELIUS, and JOHN MCKENZIE, Saltley, Birmingham, Builders Nov 1 at 12 174, Corporation st, Birmingham
 JAMES, ERNEST BRASNETT, Albany st, Regent's Park, House Manufacturer Oct 30 at 12 Bankruptcy bldg, Carey st
 LACEY, ANNE FLORENCE, Eastbourne, Landress Oct 30 at 1.45 Colos & Sons, Seaside rd, Eastbourne
 LENNARD, RUSSELL, Stepney, Job Master Oct 31 at 11 Bankruptcy bldg, Carey st
 LEWIS, WILLIAM, Chadwell, Essex, Carman Nov 1 at 3 95, Temple chambers, Temple av
 MILSON, THOMAS, Kingswood, Glos, Boot Manufacturer Oct 31 at 12 Off Rec, Baldwin st, Bristol
 MONTGOMERY, HENRY, Crewkerne, Brewer Oct 30 at 12.30 Off Rec, Radliffe st, Salisbury
 MURRAY, MARY ROSEVILLE, Bedford sq Oct 31 at 12 Bankruptcy bldg, Carey st
 NAIR, ALEXANDER GORDON, Liverpool, Travelling Draper Oct 31 at 3 Off Rec, 35, Victoria st, Liverpool
 OXLEY, CHARLES ALBERT, Kingston upon Hull, Horse Dealer Oct 30 at 11 Off Rec, Trinity House in, Hull
 PRACE, WILLIAM, Stoke upon Trent, Barthenware Manufacturer Oct 31 at 11.30 Off Rec, Newcastle under Lyme
 FAIRPORT, JAMES, Brackbome, St Bourne, Bricklayer Oct 30 at 3 Off Rec, Radliffe st, Salisbury
 POWER, JOHN, Birkenhead, Boot Maker Oct 31 at 2.30 Off Rec, 35, Victoria st, Liverpool
 READ, JOHN, Salisbury, Wilts, Labourer Oct 30 at 1 Off Rec, Radliffe st, Salisbury
 ROBERTY, LAWRENCE, Huddersfield, Hairdresser Oct 31 at 12 Off Rec, 19, John William st, Huddersfield
 ROCHFORTH, BEN RAYNER, Rothbury, Northumberland, Ironmonger Nov 1 at 10.30 Off Rec, 30, Motley st, Newcastle on Tyne
 RALTER, WILLIAM EDWARD, Mark, Somerset, Farmer Oct 31 at 12.30 Off Rec, Baldwin st, Bristol
 SAMUEL, PHILIP, Brixhill, Glens, Glacier Oct 30 at 3 126, High st, Merthyr Tydfil
 SCRAGO, WILLIAM, Burton on Trent, Pattern Maker Oct 30 at 3 Off Rec, 47, Full st, Derby
 SHACKLETON, SELINA, Bradford, Greengrocer Nov 1 at 11 Off Rec, 31, Manor row, Bradford
 SHARP, WILLIAM, Selby, Yorks, Journeyman Tailor Nov 1 at 11.30 Off Rec, 26, Sturgate, York
 SMITH, RICHARD, Stratford on Avon, Farmer Oct 30 at 12.30 Off Rec, 17, Hertford st, Coventry
 URSWICK, GEORGE, St Martin's in, Theatrical Manager Nov 1 at 12 Bankruptcy bldg, Carey st
 WALPOLE, ISAAC, Birmingham, Stationer Oct 31 at 12 174, Corporation st, Birmingham
 WESTACOTT, LOUISA, Darlington, Licensed Victualler Oct 31 at 11 6, Atherton way, Plymouth
 WILLIAMS, THOMAS HUGHES, Frosco, Lancs, Chemist Oct 31 at 12.30 Off Rec, 35, Victoria st, Liverpool
 WILLIAMSON, JAMES EDWIN, Stockport, Hairdresser Oct 30 at 11 Off Rec, County chambers, Market pl, Stockport
 WISNART, JAMES, Bradford, Merchant Oct 31 at 12 Off Rec, 31, Manor row, Bradford
 WOOD, WILLIAM HENRY, Hartshill, Warwick, Builder Oct 31 at 11 174, Corporation st, Birmingham

Amended notice substituted for that published in the London Gazette of Oct 19:

TURNER, CHARLES DOWNING, 61 Yorkmouth, Licensed Victualler Oct 27 at 1.15 Off Rec, 8, King st, Norwich

ADJUDICATIONS.

ABBOTT, ALBERT JOSEPH, and RICHARD EVANS, Rhyl, Flint, Hairdressers Bangor Pet Oct 18 Ord Oct 18
 ALOOCK, TOM, Cheetham, Manchester Manchester Pet Oct 19 Ord Oct 19
 BATES, SARAH ANN, Hackney, General Draper High Court Pet Aug 30 Ord Oct 18
 BECK, EDWARD, jun, Chard, Somerset Taunton Pet Sept 27 Ord Oct 18
 BORNHAM, HAROLD, Kettering, Shoe Operative Northampton Pet Oct 17 Ord Oct 17
 BOOTH, JOSEPH, Middlesbrough, Caulker Middlesbrough Pet Oct 18 Ord Oct 18
 BRUCE, D T, Brighton Brighton Pet Sept 11 Ord Oct 19
 COOPER, ABRAHAM, WILLIAM COOPER, and HENRY COOPER, Lower Stoodon, Beds, Farmers Bedford Pet Oct 15 Ord Oct 20
 CRAWLEY, HENRY, Tring, Hertford, Wheelwright Aylesbury Pet Oct 11 Ord Oct 12
 DANCE, HENRY, St John in Bedwardine, Worcs, Market Gardener Worcester Pet Sept 28 Ord Oct 20
 DURHAM, ALBERT EDWARD, Newham, Glos, Grocer and Baker Gloucester Pet Oct 19 Ord Oct 19
 ESKERT, JOHN FRANCIS HENRY, Burton on Stather, Lincs, Engineer's Foreman Gt Grimsby Pet Oct 20 Ord Oct 20
 FAZAR, HENRY, Catford, Kent, Commercial Traveller Greenwich Pet Oct 19 Ord Oct 15
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 HEATH, ALBERT EDWARD, Feltham Kingston, Surrey Pet Oct 19 Ord Oct 19
 HIFFINS, FRANCIS MOSES, Stourbridge, Baker Stourbridge Pet Oct 16 Ord Oct 16
 HODGSON, SAM MILNER, Bradford, Butcher Bradford Pet Oct 19 Ord Oct 19
 HOLMES, WILLIAM, Brerley Hill, Stafford, Basket Manufacturer Stourbridge Pet Oct 18 Ord Oct 18
 HOPKINS, WILLIAM HENRY, Leicester Leicester Pet Oct 20 Ord Oct 18
 HOWARD, JOHN, Kingston upon Hull, Cab Proprietor Kingston upon Hull Pet Oct 20 Ord Oct 20
 HUDSON, PERCY SEAFORTH, Waterloo, nr Liverpool, Builder Liverpool Pet Oct 16 Ord Oct 18
 HUNT, EDWARD JOSEPH, Dorchester, Dorset, Clothier Dorchester Pet Oct 19 Ord Oct 19
 HYLOP, WILLIAM, Paternoster row, Tailor High Court Pet Sept 25 Ord Oct 20
 JUDD, WILLIAM, Cambridge st, Eccleston sq Brighton Pet Aug 25 Ord Oct 30
 KIEVITS, HARRY MARY CONSTANT, Farringdon av, China Merchant High Court Pet Oct 15 Ord Oct 30
 NEALE, WILLIAM CLEVELAND, Nottingham, Licensed Victualler Nottingham Pet Oct 30 Ord Oct 30
 PACKWOOD, WILLIAM HENRY, Stourbridge, Public house Manager Stourbridge Pet Oct 19 Ord Oct 19
 POPERT, WILLIAM, South st, Finsbury, Merchant High Court Pet Aug 24 Ord Oct 30
 POWELL, WALTER JAMES, Margate, Kent, Furniture Dealer Canterbury Pet Sept 1 Ord Oct 16
 READER, ROBERT LOFTAS, Headingly, Leeds, Licensed Victualler Kingston upon Hull Pet Oct 18 Ord Oct 18
 ROBERTY, LAWRENCE, Huddersfield, Hairdresser Huddersfield Pet Oct 16 Ord Oct 18
 SHACKLETON, SELINA, Bradford, Greengrocer Bradford Pet Oct 18 Ord Oct 18
 SHARP, WILLIAM, Selby, Yorks, Journeyman Tailor York Pet Oct 18 Ord Oct 18
 SLAUGHTER, ERIC JAMES, Brynmawr, Brecons, Grocer Tredgar Pet Oct 19 Ord Oct 19
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The Public General Statutes

FOR THE SESSION

63 & 64 VICTORIA, 1900.

[STATUTES OF PRACTICAL IMPORTANCE RELATING TO ENGLAND AND WALES ONLY
ARE SET OUT AT LENGTH.]

"SOLICITORS' JOURNAL" OFFICE, 27, CHANCERY LANE, LONDON.

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STATUTES.

63 VICTORIA.

CHAPTER 1.

[Consolidated Fund (No. 1) Act, 1900.]

An Act to apply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred.
[23rd February 1900.]

CHAPTER 2.

[War Loan Act, 1900.]

An Act to provide for raising Money for the present War in South Africa.

[27th March 1900.]

Be it enacted, &c.:

1. *Borrowing for purpose of supply for years 1899-1900 and 1900-1901.* Any money required for raising the supply granted to Her Majesty for the service of the years ending the thirty-first day of March nineteen hundred and the thirty-first day of March nineteen hundred and one, may be raised up to an amount not exceeding thirty-five million pounds, by either or both of the following methods—namely, by means of a Special War Loan, or by means of the issue of Treasury Bills.

2. *Raising Special War Loan.* (1.) For the purpose of raising the Special War Loan, the Treasury may by warrant addressed to the Bank of England direct the creation of a new capital stock to be called "War Stock," and the issue of bonds to be called "War Bonds."

(2.) War Stock and War Bonds shall bear interest at the rate of two pounds fifteen shillings per centum per annum.

(3.) War Stock and War Bonds shall be interchangeable, subject to, and in accordance with, regulations made under this Act.

(4.) The creation of War Stock shall date from the sixth day of April nineteen hundred, and War Stock and War Bonds shall not be redeemable until the fifth day of April nineteen hundred and ten, but on that date shall be redeemed at the rate of one hundred pounds sterling for every one hundred pounds of the stock or bond, together with the payment of all arrears of interest.

(5.) The sums raised by means of War Stock or War Bonds shall be paid into the Exchequer.

3. *Charge on Consolidated Fund.* There shall be charged on the Consolidated Fund of the United Kingdom or the growing produce thereof—

(i) the principal and interest of War Stock and War Bonds; and

(ii) any sums required for defraying any expenses incurred in connection with the raising of the Special War Loan, but the principal and interest and other sums so charged shall not be payable as part of the permanent annual charge for the National Debt.

4. *Supplemental provisions as to War Stock and War Bonds.* (1.) The interest on War Stock and War Bonds shall be payable by equal quarterly dividends on the fifth day of January, the fifth day of April, the fifth day of July, and the fifth day of October in every year, and as from the sixth day of April nineteen hundred full quarterly dividends shall be payable on any War Stock or War Bonds

issued, and any scrip certificates issued in respect thereof.

(2.) War Stock shall be transferable in the books of the Bank of England and the Bank of Ireland in like manner as other stock transferable under the National Debt Act, 1870 [33 & 34 Vict. c. 71], and shall be subject to the provisions of that Act and any enactment amending that Act, so far as is consistent with the tenor of this Act.

(3.) Sections eight, nine, ten, and eleven of the Forgery Act, 1861 [24 & 25 Vict. c. 98] (which relate to the forgery of and other frauds relating to Exchequer Bills), shall apply to War Bonds and shall have effect as if "Exchequer Bill" in those sections included "War Bond."

(4.) For the purpose of calculating the annual sums payable to the Bank of England and the Bank of Ireland for the management of, or expenses connected with, the National Debt, the Special War Loan shall be considered as part of the National Debt inscribed in the books of the Bank of England and the Bank of Ireland.

(5.) War Stock or War Bonds may be issued at such times, in such amounts, and subject to such conditions as to payments of deposits and instalments, and the issue of scrip certificates carrying dividends, and otherwise, as the Treasury direct, and any directions given by the Treasury before the passing of this Act with respect to those matters are hereby confirmed.

(6.) The Treasury may make regulations with respect to—

(a) the limitation of the sums for which War Bonds are issued to sums of even amount, and to sums of not less than one hundred pounds; and

(b) the form and authentication of War Bonds, and the authority under which they may be issued; and

(c) the exchange of War Stock for War Bonds or War Bonds for War Stock, and the cancelling of any War Bonds or War Stock exchanged, and the fees (if any) to be charged on any such exchange.

(7.) Any fees received under this Act shall be paid into the Exchequer.

5. *Application of moneys not required for purposes of Act.* Any amount raised under this Act which is not required for the purposes to which money raised thereunder is applicable shall be paid to the National Debt Commissioners, and applied by them in the same manner as the New Sinking Fund may be applied.

6. *Application of 38 & 39 Vict. c. 45, s. 3.* Sections three and five of the Sinking Fund Act, 1875 (which relate to the application of the Old and New Sinking Funds), shall apply to War Bonds and War Stock in like manner as they apply to annuities charged on the Consolidated Fund.

7. *Short title.* This Act may be cited as the War Loan Act, 1900.

CHAPTER 3.

[Consolidated Fund (No. 2) Act, 1900.]

An Act to apply certain sums out of the Consolidated Fund to the service of the years ending on the thirty-first day of March one thousand eight hundred and ninety-nine, one thousand nine hundred, and one thousand nine hundred and one.

[27th March 1900.]

CHAPTER 4.

[Census (Great Britain) Act, 1900.]

An Act for taking the Census for Great Britain in the year one thousand nine hundred and one.
[27th March 1900.]

Be it enacted, &c.:

1. *Census to be taken in 1901.* A census for Great Britain shall be taken in the year one thousand nine hundred and one, and the census day shall be Sunday the thirty-first day of March in that year.

2. *Central authority for and expenses of census.*

(1.) The Local Government Board shall superintend the taking of the census.

(2.) The Registrar General shall, subject to the approval of the Board, prepare and issue such forms and instructions as he deems necessary for the taking of the census.

(3.) The expenses incurred, with the approval of the Treasury, for the purposes of the census, shall be paid out of money provided by Parliament.

3. *Enumeration districts and enumerators.*

(1.) For the purposes of the census every registration sub-district shall be divided into enumeration districts, and an enumerator shall be appointed for each enumeration district.

(2.) Overseers of the poor and relieving officers for poor law unions shall, if so required by the Local Government Board, act as and be enumerators for the purposes of this Act.

4. *Preparation and filling up of schedules.*

(1.) Schedules shall be prepared by or under the direction of the Local Government Board for the purpose of being filled up by or on behalf of the several occupiers of dwelling-houses, with the following particulars, and no others—namely, particulars showing—

(a) the name, sex, age, profession or occupation, condition as to marriage, relation to head of family, birthplace, and (where the person was born abroad) nationality of every living person who abode in every house on the night of the census day; and

(b) whether any person who so abode was blind or deaf and dumb, or imbecile or lunatic; and

(c) where the occupier is in occupation of less than five rooms, the number of rooms occupied by him; and

(d) in the case of Wales or the county of Monmouth, whether any person who so abode (being of three years of age or upwards) speaks English only or Welsh only, or both English and Welsh.

(2.) Every enumerator shall in the course of the week ending on the Saturday next before the census day leave at every dwelling-house within his enumeration district one or more of these schedules for the occupier thereof or of any part thereof, and on every such schedule shall be plainly expressed that it is to be filled up by the occupier for whom it is left, and that the enumerator will collect all such schedules within his district on the Monday then next following.

(3.) Every occupier for whom any such schedule has been so left shall fill up the schedule, to the best of his knowledge and belief, so far as relates to all persons dwelling in the house, tenement, or apartment occupied by him, and shall sign his name thereto, and shall deliver the schedule so filled up to the enumerator when required so to do.

(4) In this section the expression "dwelling-house" shall include every building and tenement of which the whole or any part is used for the purpose of human habitation, and where a dwelling-house is let or sub-let in different tenements or apartments and occupied distinctly by different persons or families a separate schedule shall be left with or for and shall be filled up by the occupier of each such distinct tenement or apartment.

(5.) For the purposes of this section, a person who is travelling or at work on the night of the census day, and who returns to a house on the morning of the following day, shall be treated as abiding in that house on the night of the census day.

5. Collection, correction, and copying of schedules.]

(1.) Every enumerator shall visit every house in his district, and shall collect all the schedules so left within his district, from house to house, and so far as may be possible on the day next following the census day, and shall complete such of the schedules as on delivery thereof to him appear to be defective, and correct such as he finds to be erroneous, and shall copy the schedules, when completed and corrected, and shall furnish a return according to the best information which he is able to obtain, of all the persons present within his district on the night of the census day, but not included in the schedules collected by him.

(2) Every enumerator shall also furnish the prescribed particulars as to whether or not houses are occupied or inhabited, and as to the counties, boroughs, parishes, and other areas for electoral or administrative purposes, and the ecclesiastical parishes or districts, in which the houses are situate.

6. Enumeration in public and charitable institutions.]

The governor, master, or chief resident officer or every prison, workhouse, hospital, or lunatic asylum, and of every public or charitable institution which may be determined upon by the Registrar General, shall be the enumerator of the inmates thereof, and shall conform to such instructions as may be sent to him by the authority of the Local Government Board for obtaining the returns required by this Act, so far as may be practicable, with respect to the inmates.

7. Returns of persons travelling or on shipboard or not in houses.]

The Registrar General shall, subject to the approval of the Local Government Board, obtain returns of the particulars required by this Act with respect to persons who during the night of the census day were travelling or on shipboard, or for any other reason were not abiding on that night in any house of which account is to be taken by the enumerators, and shall include these returns in the abstracts to be made under this Act.

8. Abstracts of returns.]

(1.) The Registrar General shall, subject to the approval of the Local Government Board, prepare a preliminary abstract and a detailed abstract of the census returns.

(2.) The preliminary abstract shall be printed and laid before both Houses of Parliament within five months next after the census day, if Parliament be then sitting, or if Parliament be not then sitting, then within the first fourteen days of the session then next ensuing.

(3.) The detailed abstract shall be printed and laid before both Houses of Parliament at as early a date as may be found practicable.

9. Power to supply further abstracts to local authorities.] The Registrar General may, if he thinks fit, at the request and cost of the council of any county, borough, or urban district, cause abstracts to be prepared containing statistical information with respect to the county, borough, or district, which can be derived from the census returns but is not supplied by the census report, and which, in his opinion, the council may reasonably require.

10. Matters to be prescribed by instructions.] (1.) Instructions issued under this Act may prescribe, among other things—

- (a) the mode in which enumeration districts are to be formed and enumerators appointed; and
- (b) the duties of superintendent registrars, registrars, enumerators, and other persons employed under this Act; and
- (c) the mode in which the householders' schedules are to be copied and the persons to whom the schedules and copies are to be delivered; and
- (d) the persons by whom and the mode in which the

copies are to be summarized, verified, examined, corrected, and otherwise dealt with; and

(e) the allowances to be paid to persons employed under this Act; and

(f) the mode in which and the persons by whom the amount of the allowances payable in respect of each registration district is to be certified, and the persons by whom and the mode in which the payments are to be made; and

(g) anything authorized by this Act to be prescribed.

(2.) The scale of allowances payable under this Act shall be subject to the approval of the Treasury.

11. Penalties for offences.] (1.) If any superintendent registrar, registrar, enumerator, or other person employed under this Act, makes wilful default in the performance of any of his duties under this Act, or makes any wilfully false declaration, he shall for each offence be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(2.) If any occupier for whom a schedule is left under this Act—

(a) wilfully refuses, or without lawful excuse neglects, to fill up the schedule to the best of his knowledge and belief, or to sign and deliver it as by this Act required; or

(b) wilfully makes, signs, or delivers, or causes to be made, signed, or delivered, any false return of any matter specified in the schedule; or

(c) refuses to answer, or wilfully gives a false answer to, any question necessary for obtaining the information required to be obtained under this Act; he shall for each offence be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding five pounds.

(3.) If any person employed in taking the census communicates, without lawful authority, any information acquired in the course of his employment, he shall be guilty of a breach of official trust within the meaning of the Official Secrets Act, 1889 [52 & 53 Vict. c. 52], and that Act shall apply accordingly.

12. Application to Scotland.] In the application of this Act to Scotland—

(1.) "Secretary for Scotland" shall be substituted for "Local Government Board" and "Board"; "Registrar General for Scotland" for "Registrar General"; "registration district" for "registration sub-district"; "burgh" for "borough"; "poorhouse" for "workhouse"; and "police burgh" for "urban district";

(2.) The expression "council" shall include the commissioners of a police burgh;

(3.) The schedules under this Act shall include particulars showing whether any person who abode in any house on the night of the census day (being three years of age or upwards) speaks English only or Gaelic only, or both English and Gaelic;

(4.) The particulars to be furnished by the enumerators shall show, with respect to each dwelling-house, the number of rooms, including a kitchen (if any) as a room, having a window, not being a window with a borrowed light;

(5.) Sheriffs, sheriff clerks, chief magistrates, town clerks, inspectors of poor and assistant inspectors of poor, shall perform such duties as may be prescribed, including, if so prescribed, such duties as were imposed on them by the Census (Scotland) Act, 1890 [53 & 54 Vict. c. 38].

13. Extent of Act and short title.] (1.) This Act shall not extend to Ireland.

(2.) This Act may be cited as the Census (Great Britain) Act, 1900.

CHAPTER 5.

[Army (Annual) Act, 1900.]

An Act to provide, during Twelve Months, for the Discipline and Regulation of the Army.

[9th April 1900.]

CHAPTER 6.

[Census (Ireland) Act, 1900.]

An Act for taking the Census for Ireland in the year one thousand nine hundred and one.

[9th April 1900.]

CHAPTER 7.

[Finance Act, 1900.]

An Act to grant certain duties of Customs and Inland Revenue, to alter other duties, and to amend the Law relating to Customs and Inland Revenue and the National Debt, and to make other provision for the financial arrangements of the year.

[9th April 1900.]

Be it enacted, &c.:

PART I.

CUSTOMS AND EXCISE.

1. Increased duty on tea.] In lieu of the duty of customs payable on tea imported into Great Britain or Ireland there shall, as from the sixth day of March nineteen hundred until the first day of August nineteen hundred and one, be charged, levied, and paid the following duty (that is to say):—

Tea, the pound, Sixpence.

2. Addition to duties on tobacco.] (1.) In addition to the duties of Customs payable on tobacco imported into Great Britain or Ireland there shall, as from the sixth day of March nineteen hundred until the first day of August nineteen hundred and one, be charged, levied, and paid, the following duties (that is to say):—

Tobacco manufactured, viz.:	£	s.	d.
Cigars the lb.	0	0	6
Cavendish or Negrohead the lb.	0	0	6
Cavendish or Negrohead, manufactured in bond the lb.	0	0	5
Other manufactured tobacco the lb.	0	0	5
Snuff containing more than 13 lbs. of moisture in every 100 lbs. weight thereof the lb.	0	0	5
Snuff not containing more than 13 lb. of moisture in every 100 lbs. weight thereof the lb.	0	0	6
Tobacco, unmanufactured, viz.:			
Containing 10 lbs. or more of moisture in every 100 lbs. weight thereof the lb.	0	0	4
Containing less than 10 lbs. of moisture in every 100 lbs. weight thereof the lb.	0	0	4

(2.) Drawback allowed under section 1 of the Manufactured Tobacco Act, 1863 [26 & 27 Vict. c. 7], as extended by any subsequent Act, on tobacco exported from Great Britain or Ireland, or deposited in a bonded or Queen's warehouse shall, as from the sixth day of May nineteen hundred until the first day of October nineteen hundred and one, be allowed at the rate of three shillings and a penny upon every pound weight.

3. Addition to Customs duties on special kinds of beer.] (1.) In addition to the duties of Customs payable on beer of the descriptions called mun, spruce, or black beer, imported into Great Britain or Ireland, there shall, as from the sixth day of March nineteen hundred until the first day of August nineteen hundred and one, be charged, levied, and paid, the following duties (that is to say):—

	£	s.	d.
For every thirty-six gallons of beer where the worts thereof are, or were before fermentation, of a specific gravity—			
Not exceeding one thousand two hundred and fifteen degrees	0	4	0
Exceeding one thousand two hundred and fifteen degrees	0	4	8

(2.) This section shall extend to Berlin white beer, and other preparations, whether fermented or not fermented, of a character similar to mun, spruce, or black beer.

4. *Addition to Customs duty on all other beer.*] In addition to the duties of Customs payable on every description of beer (other than is specified in the last preceding section) imported into Great Britain or Ireland, there shall, as from the sixth day of March nineteen hundred until the first day of August nineteen hundred and one, be charged, levied, and paid the following duty (that is to say):—

For every thirty-six gallons where the $\frac{1}{2}$ s. d.
worts thereof were before fermentation
of a specific gravity of one
thousand and fifty-five degrees . . . 0 1 0
and there shall be allowed and paid in and for the
same period in respect of all such beer a similar
addition to the drawback granted on exportation,
shipment for use as stores, or removal to the Isle of
Man, by section four of the Customs and Inland
Revenue Act, 1881 [44 & 45 Vict. c. 13];
And so as to both duty and drawback, in pro-
portion for any difference in gravity.

5. *Additional duties of Customs on spirits.* Altera-
tion of Customs duties on certain goods containing
spirits.] In addition to the duties of Customs now
payable on spirits imported into Great Britain or
Ireland, there shall, as from the sixth day of March
nineteen hundred until the first day of August
nineteen hundred and one, be charged, levied, and
paid the following duties (that is to say):—

For every gallon, computed at proof, $\frac{1}{2}$ s. d.
of spirits of any description (except
perfumed spirits), including naphtha
or methylic alcohol, purified so as
to be potable, and mixtures and
preparations containing spirits . . . 0 0 6
For every gallon of perfumed spirits . . . 0 0 10
For every gallon of liqueurs, cordials,
mixtures, and other preparations
entered in such a manner as to
indicate that the strength is not to
be tested . . . 0 0 8

And the duties of Customs on the articles here-
inafter mentioned, being articles in which spirit is
contained, or in the manufacture of which spirit is
used, shall be proportionately increased, and there
shall accordingly, as from the sixth day of March
nineteen hundred until the first day of August
nineteen hundred and one, be charged, levied,
and paid the following duties (that is to say):—

$\frac{1}{2}$ s. d.
Chloral hydrate . . . the pound 0 1 4
Chloroform . . . the pound 0 3 3
Collodion . . . the gallon 1 6 3
Ether, acetic . . . the pound 0 1 11
Ether, butyric . . . the gallon 0 16 5
Ether, sulphuric . . . the gallon 1 7 5
Ethyl, iodide of . . . the gallon 0 14 3
Ethyl, bromide . . . the pound 0 1 1
Ethyl, chloride . . . the gallon 0 16 5

This section shall not affect the continuance
after the first day of August nineteen hundred and
one of the duties existing prior to this section
taking effect.

6. *Addition to excise duty on beer.*] In addition
to the duty of excise payable in respect of beer
brewed in the United Kingdom there shall, as
from the sixth day of March nineteen hundred
until the first day of August nineteen hundred
and one, be charged, levied, and paid—

For every thirty-six gallons of worts of a specific
gravity of one thousand and fifty-five degrees,
the duty of one shilling,
and in addition to the drawback of excise other-
wise payable in respect of beer exported from the
United Kingdom as merchandise or shipped for
use as ship's stores there shall be allowed and paid
in respect of beer brewed in the United Kingdom,
between the fifth day of March nineteen hundred
and the first day of August nineteen hundred and
one—

For every thirty-six gallons of beer of an original
gravity of one thousand and fifty-five degrees,
the drawback of one shilling,
and so as to both duty and drawback in proportion
for any difference in quantity or gravity.

7. *Addition to excise duty on spirits.*] In addition
to the duty of excise payable for every gallon com-
puted at proof of spirits distilled in the United
Kingdom there shall, as from the sixth day of
March nineteen hundred until the first day of
August nineteen hundred and one, be charged,

levied, and paid the duty of sixpence, and so in
proportion for any less quantity.

8. *Amendment and extension of 39 & 40 Vict. c. 36,
s. 20.*] Section twenty of the Customs Consolida-
tion Act, 1876 (which has reference to the effect of
changes of duty on existing contracts), shall apply
to the imposition of new duties as well as to
increases, decreases, or repeals, and as so amended
shall apply to duties of excise as well as to duties
of customs, with the substitution in the case of the
excise duty on beer of the time of the charge of the
duty for the time of the clearance and delivery
from the warehouse.

9. *Duty on warehoused goods.*] The duty to
be paid on goods or commodities deposited in
a customs or excise warehouse is hereby
declared to be the duty chargeable at the date
of the actual removal of those goods or com-
modities from the warehouse, and if before
that date any sums shall have been paid in respect
of duty, the difference (if any) between the sums
so paid and the actual duty chargeable shall be
paid or repaid, as the case may be.

PART II.

STAMPS.

10. *Conveyances on sale.*] A conveyance on sale
made for any consideration in respect whereof it
is chargeable with ad valorem duty, and in
further consideration of a covenant by the
purchaser to make, or of his having previ-
ously made, any substantial improvement
of or addition to the property conveyed to
him, or of any covenant relating to the subject
matter of the conveyance, is not chargeable, and
shall be deemed not to have been chargeable, with
any duty in respect of such further consideration.

PART III.

DEATH DUTIES.

11. *Amendment of 57 & 58 Vict. c. 30 as to
property passing on death.*] (1.) In the case of
every person dying after the thirty-first day of
March nineteen hundred, property whether real
or personal in which the deceased person or any
other person had an estate or interest limited
to cease on the death of the deceased
shall, for the purpose of the Finance
Act, 1894, and the Acts amending that Act,
be deemed to pass on the death of the deceased,
notwithstanding that that estate or interest has
been surrendered, assured, divested, or otherwise
disposed of, whether for value or not, to or for the
benefit of any person entitled to an estate or
interest in remainder or reversion in such property,
unless that surrender, assurance, divesting, or
disposition was bona fide made or effected twelve
months before the death of the deceased, and bona
fide possession and enjoyment of the property was
assumed thereunder immediately upon the surren-
der, assurance, divesting, or disposition, and
therefore retained to the entire exclusion of
the person who had the estate or interest limited to
cease as aforesaid, and of any benefit to him by
contract or otherwise.

(2.) This section shall inter alia apply in Scotland
to the conveyance or discharge of any life rent in
favour of the fief, or to the propulsion of the fee
under any simple or tailed destination.

12. *Amendment of 57 & 58 Vict. c. 30, s. 4, as
to aggregation.*] (1.) The exclusion enacted by the
proviso to section four of the Finance Act, 1894,
of property from aggregation shall in the case of
every person dying after the passing of this Act
cease to have effect, except as regards property
in which the deceased never had an interest.

Provided that where an interest in expectancy
(within the meaning of Part I. of the Finance Act,
1894) in any property has before the passing of this
Act been bona fide sold or mortgaged for full con-
sideration in money or money's worth, then no
other duty on such property shall be payable by
the purchaser or mortgagee when the interest falls
into possession than would have been payable if
this section had not passed; and in the case of a
mortgage any higher duty payable by the mort-
gagor shall rank as a charge subsequent to that of
the mortgagee.

(2.) Where settled property passes, or is deemed
to pass, on the death of a person dying after the
passing of this Act under a disposition made by a

person dying before the commencement of Part I.
of the Finance Act, 1894, and such property would,
if the disposer had died after the commencement of
the said Part, have been liable to Estate duty upon
his death, the aggregation of such property, with
other property passing upon the first-mentioned
death, shall not operate to enhance the rate of
duty payable either upon the settled property or
upon any other property so passing by more than
one half per cent. in excess of the rate at which
duty would have been payable if such settled
property had been treated as an estate by itself.

13. *Amendment of 59 & 60 Vict. c. 28, s. 17, as to
exclusion of fractions from value.*] (1.) For the
purpose of determining the rate and the amount of
duty, the exclusion under section seventeen of the
Finance Act, 1896, of any fraction from the
principal value of the estate shall in the case of
every person dying after the passing of this Act
cease to have effect.

(2.) The Commissioners of Inland Revenue may,
if they think fit, accept a statement by or on
behalf of any accountable person as a correction of
any Inland Revenue affidavit or account within the
meaning of Part I. of the Finance Act, 1894, for
the purposes of that Act and the Acts amending
that Act, without requiring that statement to be
verified on oath.

14. *Remission of death duties in case of persons
killed in war.*] (1.) Where any person dies from
wounds inflicted, accident occurring, or disease
contracted, within twelve months before death,
while on active service against an enemy, whether
on sea or land, and was, when the wounds were
inflicted, the accident occurred, or the disease was
contracted, either subject to the Naval Discipline
Act or subject to military law, whether as an
officer, non-commissioned officer, or soldier, under
Part V. of the Army Act, the Treasury may, if they
think fit, on the recommendation of the Secretary of
State or of the Admiralty, as the case requires,
remit, or in the case of duty already paid repay,
up to an amount not exceeding one hundred and
fifty pounds in any one case, the whole or any part
of the death duties (within the meaning of sub-
section three of section thirteen of the Finance Act,
1894 [57 & 58 Vict. c. 30]), leviable in respect of
property passing upon the death of the deceased to
his widow or lineal descendants if the total value
for the purpose of estate duty of the property so
passing does not exceed five thousand pounds.

(2.) This section shall take effect in the case of
any person dying since the eleventh day of October
one thousand eight hundred and ninety-nine.

PART IV.

INCOME TAX.

15. *Income tax for 1900-1901.*] (1.) Income tax
for the year beginning on the sixth day of April
nineteen hundred shall be charged at the rate of
one shilling.

(2.) All such enactments relating to income tax
as were in force on the fifth day of April nineteen
hundred shall have full force and effect with respect
to the duty of income tax hereby granted.

(3.) The annual value of any property, which
has been adopted for the purpose either of income
tax under Schedules A. and B. in the Income Tax
Act, 1853 [16 & 17 Vict. c. 34], or of inhabited-
house duty, during the year ending on the fifth
day of April nineteen hundred, shall be taken as
the annual value of such property for the same
purpose during the next subsequent year: provided
that this section—

- (a) so far as respects the duty on inhabited
houses in Scotland, shall be construed with
the substitution of the twenty-fourth day of
May for the fifth day of April; and
(b) shall not apply to the metropolis as defined
by the Valuation (Metropolis) Act, 1869
[32 & 33 Vict. c. 67].

PART V.

NATIONAL DEBT.

16. *Suspension of new sinking fund.*] In the
financial year ending on the thirty-first day of
March nineteen hundred and one that portion of
the permanent annual charge for the National
Debt, which is not required for the annual charges
directed by the National Debt and Local Loans
Act, 1887 [50 & 51 Vict. c. 16], or any other Act
to be paid out of that charge, shall not be paid.

17. *Suspension of payments on account of capital of terminable annuities.*] In the financial year ending the thirty-first day of March nineteen hundred and one the payment of such portions of the instalments of the terminable annuities mentioned in the First Schedule to this Act as may be certified to the Treasury, under the hand of the Comptroller-General or Assistant-Comptroller and of the Actuary of the National Debt Office, to be applicable to the replacement of capital, shall be suspended, and the amount of the permanent annual charge for the National Debt shall accordingly in that year be reduced by an amount equal to the amount of the suspended payments.

Provided that the Treasury shall, by warrant to the Bank of England, prolong the terminable annuities for a year.

PART VI.

GENERAL.

18. *Repeal.*] The Acts specified in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.

19. *Short title.*] This Act may be cited as the Finance Act, 1900.

SCHEDULES.

FIRST SCHEDULE.

TERMINABLE ANNUITIES.

1. Annuities created under the National Debt Act, 1883 (46 & 47 Vict. c. 54), in exchange for the annuities specified in the schedule to that Act.

2. Annuity created under section 3 of the National Debt (Supplemental) Act, 1888 (51 & 52 Vict. c. 15) (Chancery Funds Annuity).

3. Annuities created under section 17 (1) of the Finance Act, 1899 (62 & 63 Vict. c. 9).

4. Annuity created under section 17 (2) of the Finance Act, 1899 (62 & 63 Vict. c. 9), in exchange for a sum of fifteen millions Two and three-quarters Consolidated Stock.

5. Annuity created under section 17 (4) of the Finance Act, 1899 (62 & 63 Vict. c. 9), in exchange for a book debt of thirteen million pounds.

SECOND SCHEDULE.

REPEALS.

Session and Chapter.	Short Title.	Extent of Repeal.
57 & 58 Vict. c. 30	The Finance Act, 1894	Section four, from "or which under a disposition" to "descendant of the deceased," and from "but of any benefit" to the end of the section, as respects persons dying after the passing of this Act.
59 & 60 Vict. c. 28	The Finance Act, 1896	Section seventeen as respects persons dying after the passing of this Act.

CHAPTER 8.

[Electoral Disabilities (Military Service) Removal Act, 1900.]

An Act to remove Electoral Disabilities which may arise in the case of Members of the Reserve, Militia, and Yeomanry Forces, and in the case of Volunteers, by reason of absence on the Military Service of the Crown.

[25th May 1900.]

Be it enacted, &c.:

1. *Absence of person in performance of military duties not to disqualify as elector.*] (1.) A person shall not be disqualified for being registered or voting, either as a parliamentary or as a local government elector, in respect of a qualification for which any residence or inhabitancy is required, by reason only that

during the whole or any part of the qualifying period he has as a member of the Reserve, Militia, Yeomanry, or Volunteer Forces, or otherwise as a volunteer, been absent on actual military service on behalf of the Crown whether beyond the seas or not.

(2.) A person so absent shall not be disqualified by reason of his wife or children having received poor relief during such absence.

(3.) The claim to be registered as a lodger may be made and signed, in the case of a person so absent, by any other person on his behalf, and the form of the claim and declaration may in those cases be modified accordingly.

(4.) In this Act the expression "a volunteer" shall include any person who is enlisted for temporary service only in connection with any war as a member of the regular forces.

2. *Short title.*] This Act may be cited as the Electoral Disabilities (Military Service) Removal Act, 1900.

3. *Duration of Act.*] This Act shall apply only to absence during the continuance of the present war in South Africa.

CHAPTER 9.

[Police Reservists (Allowances) Act, 1900.]

An Act to authorise the grant out of Police Funds of certain Allowances and Gratuities in respect of Police Reservists who are called out on Permanent Service.

[25th May 1900.]

Be it enacted, &c.:

1. *Family allowances for police reservists on active service.*] (1.) Where a constable of a police force within the meaning of this Act belongs to the Army Reserve, and has been called out for permanent service in pursuance of the Royal Proclamation of the seventh day of October one thousand eight hundred and ninety-nine, the police authority may, if they think fit, grant out of the police fund, to or for the benefit of his wife and children, or any of them, or in the case of an unmarried man to or for the benefit of any person whom he is legally liable to maintain and towards whose support he has regularly contributed, an allowance of such amount and subject to such conditions and restrictions as they think equitable.

Provided as follows:—

(a) Any such allowance shall be granted for a limited period not exceeding one year, and may be renewed for a further period, but shall not be continued after the police authority have received notice that the man has ceased to be employed on army service;

(b) The aggregate amount of the weekly allowance granted in respect of a married man, together with the weekly amount of any separation or other allowance required to be paid out of military funds in pursuance of any Royal Warrant, and the weekly amount of any compulsory deductions from the man's pay as a soldier, shall not exceed the total weekly amount which he was receiving from police funds when called out.

(c) The allowance granted in respect of an unmarried man shall not exceed in the aggregate eight shillings a week.

(2.) If the man dies or is disabled whilst employed on army service, the police authority shall have the same powers with respect to the grant of gratuities as if he had been in the police force at the time of his death or disablement.

(3.) If he returns to the police force he shall return to a rank not less than the rank which he held at the time when he was called out, and at a rate of pay not less than the rate which he received before that date.

(4.) Any allowance or gratuity granted before the passing of this Act in respect of a constable called out on permanent service is hereby confirmed, and any such allowance may be continued until the expiration of two months from the passing of this Act, but no longer, unless it is in conformity with the requirements of this Act.

(5.) Where a county is divided into districts for the purposes of the County Police Act, 1840 [3 & 4 Vict. c. 88], any allowances granted in accordance with this Act shall be deemed to be general expenditure within the meaning of that Act.

(6.) The expressions "police force" "police authority" and "police fund" have the same meanings in this Act as in the Police Act, 1890 [53 & 54 Vict. c. 45].

2. *Application to Scotland.*] This Act shall apply to Scotland with the substitution of the Police (Scotland) Act, 1890, for the Police Act, 1890, and of the Police (Scotland) Act, 1857, for the County Police Act, 1840.

3. *Short title.*] This Act may be cited as the Police Reservists (Allowances) Act, 1900.

63 & 64 VICTORIA.

CHAPTER 10.

[Public Health (Ireland) Act, 1900.]

An Act to remove doubts respecting the powers of the Local Government Board for Ireland for determining the Area on which certain Expenses are to be chargeable.

[25th June 1900.]

CHAPTER 11.

[Uganda Railway Act, 1900.]

An Act to provide further Money for the Uganda Railway.

[25th June 1900.]

CHAPTER 12.

[Commonwealth of Australia Constitution Act.]

An Act to constitute the Commonwealth of Australia.

[9th July 1900.]

Whereas the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, humbly relying on the blessing of Almighty God, have agreed to unite in one indissoluble Federal Commonwealth under the Crown of the United Kingdom of Great Britain and Ireland, and under the Constitution hereby established:

And whereas it is expedient to provide for the admission into the Commonwealth of other Australasian Colonies and possessions of the Queen:

Be it therefore enacted, &c.:

1. *Short title.*] This Act may be cited as the Commonwealth of Australia Constitution Act.

2. *Act to extend to the Queen's successors.*] The provisions of this Act referring to the Queen shall extend to Her Majesty's heirs and successors in the sovereignty of the United Kingdom.

3. *Proclamation of Commonwealth.*] It shall be lawful for the Queen, with the advice of the Privy Council, to declare by proclamation that, on and after a day therein appointed, not being later than one year after the passing of this Act, the people of New South Wales, Victoria, South Australia, Queensland, and Tasmania, and also, if Her Majesty is satisfied that the people of Western Australia have agreed thereto, of Western Australia, shall be united in a Federal Commonwealth under the name of the Commonwealth of Australia. But the Queen may, at any time after the proclamation, appoint a Governor-General for the Commonwealth.

4. *Commencement of Act.*] The Commonwealth shall be established, and the Constitution of the Commonwealth shall take effect, on and after the day so appointed. But the Parliaments of the several colonies may at any time after the passing of this Act make any such laws, to come into operation on the day so appointed, as they might have made if the Constitution had taken effect at the passing of this Act.

5. *Operation of the constitution and laws.*] This Act, and all laws made by the Parliament of the Commonwealth under the Constitution, shall be binding on the courts, judges, and people of every State and of every part of the Commonwealth, notwithstanding anything in the laws of any State; and the laws of the Commonwealth shall be in force on all British ships, the Queen's ships of war excepted, whose first port of clearance and

whose port of destination are in the Commonwealth.

6. *Definitions.*] "The Commonwealth" shall mean the Commonwealth of Australia as established under this Act.

"The States" shall mean such of the colonies of New South Wales, New Zealand, Queensland, Tasmania, Victoria, Western Australia, and South Australia, including the northern territory of South Australia, as for the time being are parts of the Commonwealth, and such colonies or territories as may be admitted into or established by the Commonwealth as States; and each of such parts of the Commonwealth shall be called "a State."

"Original States" shall mean such States as are parts of the Commonwealth at its establishment.

7. *Repeal of Federal Council Act, 48 & 49 Vict. c. 60.*] The Federal Council of Australasia Act, 1885, is hereby repealed, but so as not to affect any laws passed by the Federal Council of Australasia and in force at the establishment of the Commonwealth.

Any such law may be repealed as to any State by the Parliament of the Commonwealth, or as to any colony not being a State by the Parliament thereof.

8. *Application of Colonial Boundaries Act, 58 & 59 Vict. c. 34.*] After the passing of this Act the Colonial Boundaries Act, 1895, shall not apply to any colony which becomes a State of the Commonwealth; but the Commonwealth shall be taken to be a self-governing colony for the purposes of that Act.

9. *Constitution.*] The Constitution of the Commonwealth shall be as follows:—

THE CONSTITUTION.

This Constitution is divided as follows:—

Chapter I.—The Parliament:

Part I.—General:

Part II.—The Senate:

Part III.—The House of Representatives:

Part IV.—Both Houses of the Parliament:

Part V.—Powers of the Parliament:

Chapter II.—The Executive Government:

Chapter III.—The Judiciary:

Chapter IV.—Finance and Trade:

Chapter V.—The States:

Chapter VI.—New States:

Chapter VII.—Miscellaneous:

Chapter VIII.—Alteration of the Constitution.
The Schedule.

CHAPTER I.

THE PARLIAMENT.

PART I.—GENERAL.

1. *Legislative power.*] The legislative power of the Commonwealth shall be vested in a Federal Parliament, which shall consist of the Queen, a Senate, and a House of Representatives, and which is hereinafter called "The Parliament," or "The Parliament of the Commonwealth."

2. *Governor-General.*] A Governor-General appointed by the Queen shall be Her Majesty's representative in the Commonwealth, and shall have and may exercise in the Commonwealth during the Queen's Pleasure, but subject to this Constitution, such powers and functions of the Queen as Her Majesty may be pleased to assign to him.

3. *Salary of Governor-General.*] There shall be payable to the Queen out of the Consolidated Revenue fund of the Commonwealth, for the salary of the Governor-General, an annual sum which, until the Parliament otherwise provides, shall be ten thousand pounds.

The salary of a Governor-General shall not be altered during his continuance in office.

4. *Provisions relating to Governor-General.*] The provisions of this Constitution relating to the Governor-General extend and apply to the Governor-General for the time being, or such person as the Queen may appoint to administer the Government of the Commonwealth; but no such person shall be entitled to receive any salary from the Commonwealth in respect of any other office during his administration of the Government of the Commonwealth.

5. *Sessions of Parliament. Prorogation and dissolution. Summoning Parliament. First session.*] The Governor-General may appoint such times for holding the

sessions of the Parliament as he thinks fit, and may also from time to time, by Proclamation or otherwise, prorogue the Parliament, and may in like manner dissolve the House of Representatives.

After any general election the Parliament shall be summoned to meet not later than thirty days after the day appointed for the return of the writs.

The Parliament shall be summoned to meet not later than six months after the establishment of the Commonwealth.

6. *Yearly session of Parliament.*] There shall be a session of the Parliament once at least in every year, so that twelve months shall not intervene between the last sitting of the Parliament in one session and its first sitting in the next session.

PART II.—THE SENATE.

7. *The Senate.*] The Senate shall be composed of senators for each State, directly chosen by the people of the State, voting, until the Parliament otherwise provides, as one electorate.

But until the Parliament of the Commonwealth otherwise provides, the Parliament of the State of Queensland, if that State be an Original State, may make laws dividing the State into divisions and determining the number of senators to be chosen for each division, and in the absence of such provision the State shall be one electorate.

Until the Parliament otherwise provides there shall be six senators for each Original State. The Parliament may make laws increasing or diminishing the number of senators for each State, but so that equal representation of the several Original States shall be maintained and that no Original State shall have less than six senators.

The senators shall be chosen for a term of six years, and the names of the senators chosen for each State shall be certified by the Governor to the Governor-General.

8. *Qualification of electors.*] The qualification of electors of senators shall be in each State that which is prescribed by this Constitution, or by the Parliament, as the qualification for electors of members of the House of Representatives; but in the choosing of senators each elector shall vote only once.

9. *Method of election of senators. Times and places.*] The Parliament of the Commonwealth may make laws prescribing the method of choosing senators, but so that the method shall be uniform for all the States. Subject to any such law, the Parliament of each State may make laws prescribing the method of choosing the senators for that State.

The Parliament of a State may make laws for determining the times and places of elections of senators for the State.

10. *Application of State laws.*] Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State, for the time being, relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections of senators for the State.

11. *Failure to choose senators.*] The senate may proceed to the despatch of business, notwithstanding the failure of any State to provide for its representation in the senate.

12. *Issue of writs.*] The Governor of any State may cause writs to be issued for elections of senators for the State. In case of the dissolution of the Senate the writs shall be issued within ten days from the proclamation of such dissolution.

13. *Rotation of senators.*] As soon as may be after the Senate first meets, and after each first meeting of the Senate following a dissolution thereof, the Senate shall divide the senators chosen for each State into two classes, as nearly equal in number as practicable; and the places of the senators of the first class shall become vacant at the expiration of the third year, and the places of those of the second class at the expiration of the sixth year, from the beginning of their term of service; and afterwards the places of senators shall become vacant at the expiration of six years from the beginning of their term of service.

The election to fill vacant places shall be made in the year at the expiration of which the places are to become vacant.

For the purposes of this section the term of service of a senator shall be taken to begin on the first day of January following the day of his election, except in the cases of the first election

and of the election next after any dissolution of the Senate, when it shall be taken to begin on the first day of January preceding the day of his election.

14. *Further provision for rotation.*] Whenever the number of senators for a State is increased or diminished, the Parliament of the Commonwealth may make such provision for the vacating of the places of senators for the State as it deems necessary to maintain regularity in the rotation.

15. *Casual vacancies.*] If the place of a senator becomes vacant before the expiration of his term of service, the Houses of Parliament of the State for which he was chosen shall, sitting and voting together, choose a person to hold the place until the expiration of the term, or until the election of a successor as hereinafter provided, whichever first happens. But if the Houses of Parliament of the State are not in session at the time when the vacancy is notified, the Governor of the State, with the advice of the Executive Council thereof, may appoint a person to hold the place until the expiration of fourteen days after the beginning of the next session of the Parliament of the State, or until the election of a successor, whichever first happens.

At the next general election of members of the House of Representatives, or at the next election of senators for the State, whichever first happens, a successor shall, if the term has not then expired, be chosen to hold the place from the date of his election until the expiration of the term.

The name of any senator so chosen or appointed shall be certified by the Governor of the State to the Governor-General.

16. *Qualifications of senator.*] The qualifications of a senator shall be the same as those of a member of the House of Representatives.

17. *Election of President.*] The Senate shall, before proceeding to the despatch of any other business, choose a senator to be the President of the Senate; and as often as the office of President becomes vacant the Senate shall again choose a senator to be the President.

The President shall cease to hold his office if he ceases to be a senator. He may be removed from office by a vote of the Senate, or he may resign his office or his seat by writing addressed to the Governor-General.

18. *Absence of President.*] Before or during any absence of the President, the Senate may choose a senator to perform his duties in his absence.

19. *Resignation of senator.*] A senator may, by writing addressed to the President, or to the Governor-General if there is no President or if the President is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

20. *Vacancy by absence.*] The place of a senator shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the Senate, fails to attend the Senate.

21. *Vacancy to be notified.*] Whenever a vacancy happens in the Senate, the President, or if there is no President or if the President is absent from the Commonwealth the Governor-General, shall notify the same to the Governor of the State in the representation of which the vacancy has happened.

22. *Quorum.*] Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the senators shall be necessary to constitute a meeting of the Senate for the exercise of its powers.

23. *Voting in Senate.*] Questions arising in the Senate shall be determined by a majority of votes, and each senator shall have one vote. The President shall in all cases be entitled to a vote; and when the votes are equal the question shall pass in the negative.

PART III.—THE HOUSE OF REPRESENTATIVES.

24. *Constitution of House of Representatives.*] The House of Representatives shall be composed of members directly chosen by the people of the Commonwealth, and the number of such members shall be, as nearly as practicable, twice the number of the senators.

The number of members chosen in the several States shall be in proportion to the respective numbers of their people, and shall, until the Parliament otherwise provides, be determined, whenever necessary, in the following manner:—

(1.) A quota shall be ascertained by dividing the number of the people of the Commonwealth,

as shown by the latest statistics of the Commonwealth, by twice the number of the senators;

- (ii.) The number of members to be chosen in each State shall be determined by dividing the number of the people of the State, as shown by the latest statistics of the Commonwealth, by the quota; and if on such division there is a remainder greater than one-half of the quota, one more member shall be chosen in the State.

But notwithstanding anything in this section, five members at least shall be chosen in each Original State.

25. *Provision as to races disqualified from voting.*] For the purposes of the last section, if by the law of any State all persons of any race are disqualified from voting at elections for the more numerous House of the Parliament of the State, then, in reckoning the number of the people of the State or of the Commonwealth, persons of that race resident in that State shall not be counted.

26. *Representatives in first Parliament.*] Notwithstanding anything in section twenty-four, the number of members to be chosen in each State at the first election shall be as follows:

New South Wales	twenty-three;
Victoria	twenty;
Queensland	eight;
South Australia	six;
Tasmania	five;

Provided that if Western Australia is an Original State, the numbers shall be as follows:—

New South Wales	twenty-six;
Victoria	twenty-three;
Queensland	nine;
South Australia	seven;
Western Australia	five;
Tasmania	five;

27. *Alteration of number of members.*] Subject to this Constitution, the Parliament may make laws for increasing or diminishing the number of the members of the House of Representatives.

28. *Duration of House of Representatives.*] Every House of Representatives shall continue for three years from the first meeting of the House, and no longer, but may be sooner dissolved by the Governor-General.

29. *Electoral divisions.*] Until the Parliament of the Commonwealth otherwise provides, the Parliament of any State may make laws for determining the divisions in each State for which members of the House of Representatives may be chosen, and the number of members to be chosen for each division. A division shall not be formed out of parts of different States.

In the absence of other provision, each State shall be one electorate.

30. *Qualification of electors.*] Until the Parliament otherwise provides, the qualification of electors of members of the House of Representatives shall be in each State that which is prescribed by the law of the State as the qualification of electors of the more numerous House of Parliament of the State; but in the choosing of members each elector shall vote only once.

31. *Application of State laws.*] Until the Parliament otherwise provides, but subject to this Constitution, the laws in force in each State for the time being relating to elections for the more numerous House of the Parliament of the State shall, as nearly as practicable, apply to elections in the State of members of the House of Representatives.

32. *Writs for general election.*] The Governor-General in Council may cause writs to be issued for general elections of members of the House of Representatives.

After the first general election, the writs shall be issued within ten days from the expiry of a House of Representatives or from the proclamation of a dissolution thereof.

33. *Writs for vacancies.*] Whenever a vacancy happens in the House of Representatives, the Speaker shall issue his writ for the election of a new member, or if there is no Speaker or if he is absent from the Commonwealth the Governor-General in Council may issue the writ.

34. *Qualifications of members.*] Until the Parliament otherwise provides, the qualifications of a member of the House of Representatives shall be as follows:—

- (i.) He must be of the full age of twenty-one years, and must be an elector entitled to vote

at the election of members of the House of Representatives, or a person qualified to become such elector, and must have been for three years at the least a resident within the limits of the Commonwealth as existing at the time when he is chosen:

- (ii.) He must be a subject of the Queen, either natural-born or for at least five years naturalized under a law of the United Kingdom, or of a Colony which has become or becomes a State, or of the Commonwealth, or of a State.

35. *Election of Speaker.*] The House of Representatives shall, before proceeding to the despatch of any other business, choose a member to be the Speaker of the House, and as often as the office of Speaker becomes vacant the House shall again choose a member to be the Speaker.

The Speaker shall cease to hold his office if he ceases to be a member. He may be removed from office by a vote of the House, or he may resign his office or his seat by writing addressed to the Governor-General.

36. *Absence of Speaker.*] Before or during any absence of the Speaker, the House of Representatives may choose a member to perform his duties in his absence.

37. *Resignation of member.*] A member may by writing addressed to the Speaker, or to the Governor-General if there is no Speaker or if the Speaker is absent from the Commonwealth, resign his place, which thereupon shall become vacant.

38. *Vacancy by absence.*] The place of a member shall become vacant if for two consecutive months of any session of the Parliament he, without the permission of the House, fails to attend the House.

39. *Quorum.*] Until the Parliament otherwise provides, the presence of at least one-third of the whole number of the members of the House of Representatives shall be necessary to constitute a meeting of the House for the exercise of its powers.

40. *Voting in House of Representatives.*] Questions arising in the House of Representatives shall be determined by a majority of votes other than that of the Speaker. The Speaker shall not vote unless the numbers are equal, and then he shall have a casting vote.

PART IV.—BOTH HOUSES OF THE PARLIAMENT.

41. *Right of electors of States.*] No adult person who has or acquires a right to vote at elections for the more numerous House of the Parliament of a State shall, while the right continues, be prevented by any law of the Commonwealth from voting at elections for either House of the Parliament of the Commonwealth.

42. *Oath or affirmation of allegiance.*] Every senator and every member of the House of Representatives shall before taking his seat make and subscribe before the Governor-General, or some person authorised by him, an oath or affirmation of allegiance in the form set forth in the schedule to this Constitution.

43. *Member of one House ineligible for other.*] A member of either House of the Parliament shall be incapable of being chosen or of sitting as a member of the other House.

44. *Disqualification.*] Any person who—

- (i.) Is under any acknowledgment of allegiance, obedience, or adherence to a foreign power, or is a subject or a citizen or entitled to the rights or privileges of a subject or a citizen of a foreign power: or
 - (ii.) Is attainted of treason, or has been convicted and is under sentence, or subject to be sentenced, for any offence punishable under the law of the Commonwealth or of a State by imprisonment for one year or longer: or
 - (iii.) Is an undischarged bankrupt or insolvent: or
 - (iv.) Holds any office of profit under the Crown, or any pension payable during the pleasure of the Crown out of any of the revenues of the Commonwealth: or
 - (v.) Has any direct or indirect pecuniary interest in any agreement with the Public Service of the Commonwealth otherwise than as a member and in common with the other members of an incorporated company consisting of more than twenty-five persons: or
- shall be incapable of being chosen or of sitting as a senator or a member of the House of Representatives.

But sub-section iv. does not apply to the office of any of the Queen's Ministers of State for the Commonwealth, or of any of the Queen's Ministers for a State, or to the receipt of pay, half pay, or a pension by any person as an officer or member of the Queen's navy or army, or to the receipt of pay as an officer or member of the naval or military forces of the Commonwealth by any person whose services are not wholly employed by the Commonwealth.

45. *Vacancy on happening of disqualification.*] If a senator or member of the House of Representatives—

- (i.) Becomes subject to any of the disabilities mentioned in the last preceding section: or
- (ii.) Takes the benefit, whether by assignment, composition, or otherwise, of any law relating to bankrupt or insolvent debtors: or
- (iii.) Directly or indirectly takes or agrees to take any fee or honorarium for services rendered to the Commonwealth, or for services rendered in the Parliament to any person or State:

his place shall thereupon become vacant.

46. *Penalty for sitting when disqualified.*] Until the Parliament otherwise provides, any person declared by this Constitution to be incapable of sitting as a senator or as a member of the House of Representatives shall, for every day on which he so sits, be liable to pay the sum of one hundred pounds to any person who sues for it in any court of competent jurisdiction.

47. *Disputed elections.*] Until the Parliament otherwise provides, any question respecting the qualification of a senator or of a member of the House of Representatives, or respecting a vacancy in either House of the Parliament, and any question of a disputed election to either House, shall be determined by the House in which the question arises.

48. *Allowance to members.*] Until the Parliament otherwise provides, each senator and each member of the House of Representatives shall receive an allowance of four hundred pounds a year, to be reckoned from the day on which he takes his seat.

49. *Privileges, &c., of Houses.*] The powers, privileges, and immunities of the Senate and of the House of Representatives, and of the members and the committees of each House, shall be such as are declared by the Parliament, and until declared shall be those of the Commons House of Parliament of the United Kingdom, and of its members and committees, at the establishment of the Commonwealth.

50. *Rules and orders.*] Each House of the Parliament may make rules and orders with respect to—

- (i.) The mode in which its powers, privileges, and immunities may be exercised and upheld:
- (ii.) The order and conduct of its business and proceedings either separately or jointly with the other House.

PART V.—POWERS OF THE PARLIAMENT.

51. *Legislative powers of the Parliament.*] The Parliament shall, subject to this Constitution, have power to make laws for the peace, order and good government of the Commonwealth with respect to—

- (i.) Trade and commerce with other countries, and among the States:
- (ii.) Taxation: but so as not to discriminate between States or parts of States:
- (iii.) Bounties on the production or export of goods, but so that such bounties shall be uniform throughout the Commonwealth:
- (iv.) Borrowing money on the public credit of the Commonwealth:
- (v.) Postal, telegraphic, telephonic, and other like services:
- (vi.) The naval and military defence of the Commonwealth and of the several States, and the control of the forces to execute and maintain the laws of the Commonwealth:
- (vii.) Lighthouses, light-ships, beacons and buoys:
- (viii.) Astronomical and meteorological observations:
- (ix.) Quarantine:
- (x.) Fisheries in Australian waters beyond territorial limits:
- (xi.) Census and statistics:

- (xii.) Currency, coinage, and legal tender:
(xiii.) Banking, other than State banking; also State banking extending beyond the limits of the State concerned, the incorporation of banks, and the issue of paper money:
(xiv.) Insurance, other than State insurance; also State insurance extending beyond the limits of the State concerned:
(xv.) Weights and measures:
(xvi.) Bills of exchange and promissory notes:
(xvii.) Bankruptcy and insolvency:
(xviii.) Copyrights, patents of inventions and designs, and trade marks:
(xix.) Naturalization and aliens:
(xx.) Foreign corporations, and trading or financial corporations formed within the limits of the Commonwealth:
(xxi.) Marriage:
(xxii.) Divorce and matrimonial causes; and in relation thereto, parental rights, and the custody and guardianship of infants:
(xxiii.) Invalid and old-age pensions:
(xxiv.) The service and execution throughout the Commonwealth of the civil and criminal process and the judgments of the courts of the States:
(xxv.) The recognition throughout the Commonwealth of the laws, the public Acts and records, and the judicial proceedings of the States:
(xxvi.) The people of any race, other than the aboriginal race in any State, for whom it is deemed necessary to make special laws:
(xxvii.) Immigration and emigration:
(xxviii.) The influx of criminals:
(xxix.) External affairs:
(xxx.) The relations of the Commonwealth with the islands of the Pacific:
(xxxi.) The acquisition of property on just terms from any State or person for any purpose in respect of which the Parliament has power to make laws:
(xxxii.) The control of railways with respect to transport for the naval and military purposes of the Commonwealth:
(xxxiii.) The acquisition, with the consent of a State, of any railways of the State on terms arranged between the Commonwealth and the State:
(xxxiv.) Railway construction and extension in any State with the consent of that State:
(xxxv.) Conciliation and arbitration for the prevention and settlement of industrial disputes extending beyond the limits of any one State:
(xxxvi.) Matters in respect of which this Constitution makes provision until the Parliament otherwise provides:
(xxxvii.) Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matter is referred, or which afterwards adopt the law:
(xxxviii.) The exercise within the Commonwealth, at the request or with the concurrence of the Parliaments of all the States directly concerned, of any power which can at the establishment of this Constitution be exercised only by the Parliament of the United Kingdom or by the Federal Council of Australasia:
(xxxix.) Matters incidental to the execution of any power vested by this Constitution in the Parliament or in either House thereof, or in the Government of the Commonwealth, or in the Federal Judicature, or in any department or officer of the Commonwealth.
52. *Exclusive powers of the Parliament.* The Parliament shall, subject to this Constitution, have exclusive power to make laws for the peace, order, and good government of the Commonwealth with respect to—
(i.) The seat of government of the Commonwealth, and all places acquired by the Commonwealth for public purposes:
(ii.) Matters relating to any department of the public service the control of which is by this Constitution transferred to the Executive Government of the Commonwealth:
(iii.) Other matters declared by this Constitution to be within the exclusive power of the Parliament.
53. *Powers of the Houses in respect of legislation.* Proposed laws appropriating revenue or moneys, or

imposing taxation, shall not originate in the Senate. But a proposed law shall not be taken to appropriate revenue or moneys, or to impose taxation, by reason only of its containing provisions for the imposition or appropriation of fines or other pecuniary penalties, or for the demand or payment or appropriation of fees for licences, or fees for services under the proposed law.
The Senate may not amend proposed laws imposing taxation, or proposed laws appropriating revenue or moneys for the ordinary annual services of the Government.
The Senate may not amend any proposed law so as to increase any proposed charge or burden on the people.
The Senate may at any stage return to the House of Representatives any proposed law which the Senate may not amend, requesting, by message, the omission or amendment of any items or provisions therein. And the House of Representatives may, if it thinks fit, make any of such omissions or amendments, with or without modifications.
Except as provided in this section, the Senate shall have equal power with the House of Representatives in respect of all proposed laws.
54. *Appropriation Bills.* The proposed law which appropriates revenues or moneys for the ordinary annual services of the Government shall deal only with such appropriation.
55. *Tax Bill.* Laws imposing taxation shall deal only with the imposition of taxation, and any provision therein dealing with any other matter shall be of no effect.
Laws imposing taxation, except laws imposing duties of customs or of excise, shall deal with one subject of taxation only; but laws imposing duties of customs shall deal with duties of customs only, and laws imposing duties of excise shall deal with duties of excise only.
56. *Recommendation of money votes.* A vote, resolution, or proposed law for the appropriation of revenue or moneys shall not be passed unless the purpose of the appropriation has in the same session been recommended by message of the Governor-General to the House in which the proposal originated.
57. *Disagreement between the Houses.* If the House of Representatives passes any proposed law, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, and if after an interval of three months the House of Representatives, in the same or the next session, again passes the proposed law with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may dissolve the Senate and the House of Representatives simultaneously. But such dissolution shall not take place within six months before the date of the expiry of the House of Representatives by effluxion of time.
If after such dissolution the House of Representatives again passes the proposed law, with or without any amendments which have been made, suggested, or agreed to by the Senate, and the Senate rejects or fails to pass it, or passes it with amendments to which the House of Representatives will not agree, the Governor-General may convene a joint sitting of the members of the Senate and of the House of Representatives.
The members present at the joint sitting may deliberate and shall vote together upon the proposed law as last proposed by the House of Representatives, and upon amendments, if any, which have been made therein by one House and not agreed to by the other, and any such amendments which are affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives shall be taken to have been carried, and if the proposed law, with the amendments, if any, so carried is affirmed by an absolute majority of the total number of the members of the Senate and House of Representatives, it shall be taken to have been duly passed by both Houses of the Parliament, and shall be presented to the Governor-General for the Queen's assent.
58. *Royal assent to Bills.* Recommendations by Governor-General. When a proposed law passed by both Houses of the Parliament is presented to the

Governor-General for the Queen's assent, he shall declare, according to his discretion, but subject to this Constitution, that he assents in the Queen's name, or that he withholds assent, or that he reserves the law for the Queen's pleasure.
The Governor-General may return to the House in which it originated any proposed law so presented to him, and may transmit therewith any amendments which he may recommend, and the Houses may deal with the recommendation.
59. *Disallowance by the Queen.* The Queen may disallow any law within one year from the Governor-General's assent, and such disallowance on being made known by the Governor-General by speech or message to each of the Houses of the Parliament, or by Proclamation, shall annul the law from the day when the disallowance is so made known.
60. *Signification of Queen's pleasure on Bills reserved.* A proposed law reserved for the Queen's pleasure shall not have any force unless and until within two years from the day on which it was presented to the Governor-General for the Queen's assent the Governor-General makes known, by speech or message to each of the Houses of the Parliament, or by Proclamation, that it has received the Queen's assent.

CHAPTER II.

THE EXECUTIVE GOVERNMENT.

61. *Executive power.* The Executive power of the Commonwealth is vested in the Queen and is exercisable by the Governor-General as the Queen's representative, and extends to the execution and maintenance of this Constitution, and of the laws of the Commonwealth.
62. *Federal Executive Council.* There shall be a Federal Executive Council to advise the Governor-General in the government of the Commonwealth, and the members of the Council shall be chosen and summoned by the Governor-General and sworn as Executive Councillors, and shall hold office during his pleasure.
63. *Provisions referring to Governor-General.* The provisions of this Constitution referring to the Governor-General in Council shall be construed as referring to the Governor-General acting with the advice of the Federal Executive Council.
64. *Ministers of State. Ministers to sit in Parliament.* The Governor-General may appoint officers to administer such departments of State of the Commonwealth as the Governor-General in Council may establish.
Such officers shall hold office during the pleasure of the Governor-General. They shall be members of the Federal Executive Council, and shall be the Queen's Ministers of State for the Commonwealth.
After the first general election no Minister of State shall hold office for a longer period than three months unless he is or becomes a senator or a member of the House of Representatives.
65. *Number of Ministers.* Until the Parliament otherwise provides, the Ministers of State shall not exceed seven in number, and shall hold such offices as the Parliament prescribes, or, in the absence of provision, as the Governor-General directs.
66. *Salaries of Ministers.* There shall be payable to the Queen, out of the Consolidated Revenue Fund of the Commonwealth, for the salaries of the Ministers of State, an annual sum which, until the Parliament otherwise provides, shall not exceed twelve thousand pounds a year.
67. *Appointment of civil servants.* Until the Parliament otherwise provides, the appointment and removal of all other officers of the Executive Government of the Commonwealth shall be vested in the Governor-General in Council, unless the appointment is delegated by the Governor-General in Council or by a law of the Commonwealth to some other authority.
68. *Command of naval and military forces.* The command in chief of the naval and military forces of the Commonwealth is vested in the Governor-General as the Queen's representative.
69. *Transfer of certain departments.* On a date or dates to be proclaimed by the Governor-General after the establishment of the Commonwealth the following departments of the public service in each State shall become transferred to the Commonwealth:—
Posts, telegraphs, and telephones:
Naval and military defence:

Lighthouses, lightships, beacons, and buoys: Quarantine.

But the departments of customs and of excise in each State shall become transferred to the Commonwealth on its establishment.

70. *Certain powers of Governors to vest in Governor-General.* In respect of matters which, under this Constitution, pass to the Executive Government of the Commonwealth, all powers and functions which at the establishment of the Commonwealth are vested in the Governor of a Colony, or in the Governor of a Colony with the advice of his Executive Council, or in any authority of a Colony, shall vest in the Governor-General, or in the Governor-General in Council, or in the authority exercising similar powers under the Commonwealth, as the case requires.

CHAPTER III.

THE JUDICATURE.

71. *Judicial power and Courts.* The judicial power of the Commonwealth shall be vested in a Federal Supreme Court, to be called the High Court of Australia, and in such other federal courts as the Parliament creates, and in such other courts as it invests with federal jurisdiction. The High Court shall consist of a Chief Justice, and so many other Justices, not less than two, as the Parliament prescribes.

72. *Judges' appointment, tenure, and remuneration.* The Justices of the High Court and of the other courts created by the Parliament—

- (i.) Shall be appointed by the Governor-General in Council;
- (ii.) Shall not be removed except by the Governor-General in Council, on an address from both Houses of the Parliament in the same session, praying for such removal on the ground of proved misbehaviour or incapacity;
- (iii.) Shall receive such remuneration as the Parliament may fix; but the remuneration shall not be diminished during their continuance in office.

73. *Appellate jurisdiction of High Court.* The High Court shall have jurisdiction, with such exceptions and subject to such regulations as the Parliament prescribes, to hear and determine appeals from all judgments, decrees, orders, and sentences—

- (i.) Of any Justice or Justices exercising the original jurisdiction of the High Court;
- (ii.) Of any other federal court, or court exercising federal jurisdiction; or of the Supreme Court of any State, or of any other court of any State from which at the establishment of the Commonwealth an appeal lies to the Queen in Council;
- (iii.) Of the Inter-State Commission, but as to questions of law only;

and the judgment of the High Court in all such cases shall be final and conclusive.

But no exception or regulation prescribed by the Parliament shall prevent the High Court from hearing and determining any appeal from the Supreme Court of a State in any matter in which at the establishment of the Commonwealth an appeal lies from such Supreme Court to the Queen in Council.

Until the Parliament otherwise provides, the conditions of and restrictions on appeals to the Queen in Council from the Supreme Courts of the several States shall be applicable to appeals from them to the High Court.

74. *Appeal to Queen in Council.* No appeal shall be permitted to the Queen in Council from a decision of the High Court upon any question, howsoever arising, as to the limits inter se of the Constitutional powers of the Commonwealth and those of any State or States, or as to the limits inter se of the Constitutional powers of any two or more States, unless the High Court shall certify that the question is one which ought to be determined by Her Majesty in Council.

The High Court may so certify if satisfied that for any special reason the certificate should be granted, and thereupon an appeal shall lie to Her Majesty in Council on the question without further leave.

Except as provided in this section, this Constitution shall not impair any right which the Queen may be pleased to exercise by virtue of Her Royal prerogative to grant special leave of appeal

from the High Court to Her Majesty in Council. The Parliament may make laws limiting the matters in which such leave may be asked, but proposed laws containing any such limitation shall be reserved by the Governor-General for Her Majesty's pleasure.

75. *Original jurisdiction of High Court.* In all matters—

- (i.) Arising under any treaty.
 - (ii.) Affecting consuls or other representatives of other countries;
 - (iii.) In which the Commonwealth, or a person suing or being sued on behalf of the Commonwealth, is a party;
 - (iv.) Between States, or between residents of different States, or between a State and a resident of another State;
 - (v.) In which a writ of Mandamus or prohibition or an injunction is sought against an officer of the Commonwealth;
- the High Court shall have original jurisdiction.

76. *Additional original jurisdiction.* The Parliament may make laws conferring original jurisdiction on the High Court in any matter—

- (i.) Arising under this Constitution, or involving its interpretation;
- (ii.) Arising under any laws made by the Parliament;
- (iii.) Of Admiralty and maritime jurisdiction;
- (iv.) Relating to the same subject-matter claimed under the laws of different States.

77. *Power to define jurisdiction.* With respect to any of the matters mentioned in the last two sections the Parliament may make laws—

- (i.) Defining the jurisdiction of any federal court other than the High Court;
- (ii.) Defining the extent to which the jurisdiction of any federal court shall be exclusive of that which belongs to or is invested in the courts of the States;
- (iii.) Investing any court of a State with federal jurisdiction.

78. *Proceedings against Commonwealth or State.* The Parliament may make laws conferring rights to proceed against the Commonwealth or a State in respect of matters within the limits of the judicial power.

79. *Number of judges.* The federal jurisdiction of any court may be exercised by such number of judges as the Parliament prescribes.

80. *Trial by jury.* The trial on indictment of any offence against any law of the Commonwealth shall be by jury, and every such trial shall be held in the State where the offence was committed, and if the offence was not committed within any State the trial shall be held at such place or places as the Parliament prescribes.

CHAPTER IV.

FINANCE AND TRADE.

81. *Consolidated Revenue Fund.* All revenues or moneys raised or received by the Executive Government of the Commonwealth shall form one Consolidated Revenue Fund, to be appropriated for the purposes of the Commonwealth in the manner and subject to the charges and liabilities imposed by this Constitution.

82. *Expenditure charged thereon.* The costs, charges, and expenses incident to the collection, management, and receipt of the Consolidated Revenue Fund shall form the first charge thereon; and the revenue of the Commonwealth shall in the first instance be applied to the payment of the expenditure of the Commonwealth.

83. *Money to be appropriated by law.* No money shall be drawn from the Treasury of the Commonwealth except under appropriation made by law.

But until the expiration of one month after the first meeting of the Parliament the Governor-General in Council may draw from the Treasury and expend such moneys as may be necessary for the maintenance of any department transferred to the Commonwealth and for the holding of the first elections for the Parliament.

84. *Transfer of officers.* When any department of the public service of a State becomes transferred to the Commonwealth, all officers of the department shall become subject to the control of the Executive Government of the Commonwealth.

Any such officer who is not retained in the service of the Commonwealth shall, unless he is appointed to some other office of equal emolument

in the public service of the State, be entitled to receive from the State any pension, gratuity, or other compensation, payable under the law of the State on the abolition of his office.

Any such officer who is retained in the service of the Commonwealth shall preserve all his existing and accruing rights, and shall be entitled to retire from office at the time, and on the pension or retiring allowance, which would be permitted by the law of the State if his service with the Commonwealth were a continuation of his service with the State. Such pension or retiring allowance shall be paid to him by the Commonwealth; but the State shall pay to the Commonwealth a part thereof, to be calculated on the proportion which his term of service with the State bears to his whole term of service, and for the purpose of the calculation his salary shall be taken to be that paid to him by the State at the time of the transfer.

Any officer who is, at the establishment of the Commonwealth, in the public service of a State, and who is, by consent of the Governor of the State with the advice of the Executive Council thereof, transferred to the public service of the Commonwealth, shall have the same rights as if he had been an officer of a department transferred to the Commonwealth and were retained in the service of the Commonwealth.

85. *Transfer of property of State.* When any department of the public service of a State is transferred to the Commonwealth—

- (i.) All property of the State of any kind, used exclusively in connexion with the department, shall become vested in the Commonwealth; but, in the case of the departments controlling customs and excise and bounties, for such time only as the Governor-General in Council may declare to be necessary;

- (ii.) The Commonwealth may acquire any property of the State, of any kind used, but not exclusively used in connexion with the department; the value thereof shall, if no agreement can be made, be ascertained in, as nearly as may be, the manner in which the value of land, or of an interest in land, taken by the State for public purposes is ascertained under the law of the State in force at the establishment of the Commonwealth;

- (iii.) The Commonwealth shall compensate the State for the value of any property passing to the Commonwealth under this section; if no agreement can be made as to the mode of compensation, it shall be determined under laws to be made by the Parliament;

- (iv.) The Commonwealth shall, at the date of the transfer, assume the current obligations of the State in respect of the department transferred.

86. On the establishment of the Commonwealth, the collection and control of duties of customs and of excise, and the control of the payment of bounties, shall pass to the Executive Government of the Commonwealth.

87. During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament otherwise provides, of the net revenue of the Commonwealth from duties of customs and of excise not more than one-fourth shall be applied annually by the Commonwealth towards its expenditure.

The balance shall, in accordance with this Constitution, be paid to the several States, or applied towards the payment of interest on debts of the several States taken over by the Commonwealth.

88. *Uniform duties of customs.* Uniform duties of customs shall be imposed within two years after the establishment of the Commonwealth.

89. *Payment to States before uniform duties.* Until the imposition of uniform duties of customs—

- (i.) The Commonwealth shall credit to each State the revenues collected therein by the Commonwealth.

- (ii.) The Commonwealth shall debit to each State—

- (a) The expenditure therein of the Commonwealth incurred solely for the maintenance or continuance, as at the time of transfer, of any department transferred from the State to the Commonwealth;

- (b) The proportion of the State, according to the number of its people, in the other expenditure of the Commonwealth.

(iii.) The Commonwealth shall pay to each State month by month the balance (if any) in favour of the State.

90. *Exclusive power over customs, excise, and bounties.*] On the imposition of uniform duties of customs the power of the Parliament to impose duties of customs and of excise, and to grant bounties on the production or export of goods, shall become exclusive.

On the imposition of uniform duties of customs all laws of the several States imposing duties of customs or of excise, or offering bounties on the production or export of goods, shall cease to have effect, but any grant of or agreement for any such bounty lawfully made by or under the authority of the Government of any State shall be taken to be good if made before the thirtieth day of June, one thousand eight hundred and ninety-eight, and not otherwise.

91. *Exceptions as to bounties.*] Nothing in this Constitution prohibits a State from granting any aid to or bounty on mining for gold, silver, or other metals, nor from granting, with the consent of both Houses of the Parliament of the Commonwealth expressed by resolution, any aid to or bounty on the production or export of goods.

92. *Trade within the Commonwealth to be free.*] On the imposition of uniform duties of customs, trade, commerce, and intercourse among the States, whether by means of internal carriage or ocean navigation, shall be absolutely free.

But notwithstanding anything in this Constitution, goods imported before the imposition of uniform duties of customs into any State, or into any Colony which, whilst the goods remain therein, becomes a State, shall, on thence passing into another State within two years after the imposition of such duties, be liable to any duty chargeable on the importation of such goods into the Commonwealth, less any duty paid in respect of the goods on their importation.

93. *Payment to States for five years after uniform tariffs.*] During the first five years after the imposition of uniform duties of customs, and thereafter until the Parliament otherwise provides—

(i.) The duties of customs chargeable on goods imported into a State and afterwards passing into another State for consumption, and the duties of excise paid on goods produced or manufactured in a State and afterwards passing into another State for consumption, shall be taken to have been collected not in the former but in the latter State:

(ii.) Subject to the last sub-section, the Commonwealth shall credit revenue, debit expenditure, and pay balances to the several States as prescribed for the period preceding the imposition of uniform duties of customs.

94. *Distribution of surplus.*] After five years from the imposition of uniform duties of customs, the Parliament may provide, on such basis as it deems fair, for the monthly payment to the several States of all surplus revenue of the Commonwealth.

95. *Customs duties of Western Australia.*] Notwithstanding anything in this Constitution, the Parliament of the State of Western Australia, if that State be an Original State, may, during the first five years after the imposition of uniform duties of customs, impose duties of customs on goods passing into that State and not originally imported from beyond the limits of the Commonwealth; and such duties shall be collected by the Commonwealth.

But any duty so imposed on any goods shall not exceed during the first of such years the duty chargeable on the goods under the law of Western Australia in force at the imposition of uniform duties, and shall not exceed during the second, third, fourth, and fifth of such years respectively, four-fifths, three-fifths, two-fifths, and one-fifth of such latter duty, and all duties imposed under this section shall cease at the expiration of the fifth year after the imposition of uniform duties.

If at any time during the five years the duty on any goods under this section is higher than the duty imposed by the Commonwealth on the importation of the like goods, then such higher duty shall be collected on the goods when imported into Western Australia from beyond the limits of the Commonwealth.

96. *Financial assistance to States.*] During a period of ten years after the establishment of the Commonwealth and thereafter until the Parliament

otherwise provides, the Parliament may grant financial assistance to any State on such terms and conditions as the Parliament thinks fit.

97. *Audit.*] Until the Parliament otherwise provides, the laws in force in any Colony which has become or becomes a State with respect to the receipt of revenue and the expenditure of money on account of the Government of the Colony, and the review and audit of such receipt and expenditure, shall apply to the receipt of revenue and the expenditure of money on account of the Commonwealth in the State in the same manner as if the Commonwealth, or the Government or an officer of the Commonwealth, were mentioned whenever the Colony, or the Government or an officer of the Colony, is mentioned.

98. *Trade and commerce includes navigation and State railways.*] The power of the Parliament to make laws with respect to trade and commerce extends to navigation and shipping, and to railways the property of any State.

99. *Commonwealth not to give preference.*] The Commonwealth shall not, by any law or regulation of trade, commerce, or revenue, give preference to one State or any part thereof over another State or any part thereof.

100. *Nor abridge right to use water.*] The Commonwealth shall not, by any law or regulation of trade or commerce, abridge the right of a State or of the residents therein to the reasonable use of the waters of rivers for conservation or irrigation.

101. *Inter-State Commission.*] There shall be an Inter-State Commission, with such powers of adjudication and administration as the Parliament deems necessary for the execution and maintenance, within the Commonwealth, of the provisions of this Constitution relating to trade and commerce, and of all laws made thereunder.

102. *Parliament may forbid preferences by State.*] The Parliament may by any law with respect to trade or commerce forbid, as to railways, any preference or discrimination by any State, or by any authority constituted under a State, if such preference or discrimination is undue and unreasonable, or unjust to any State; due regard being had to the financial responsibilities incurred by any State in connexion with the construction and maintenance of its railways. But no preference or discrimination shall, within the meaning of this section, be taken to be undue and unreasonable, or unjust to any State, unless so adjudged by the Inter-State Commission.

103. *Commissioners' appointment, tenure, and remuneration.*] The members of the Inter-State Commission—

(i.) Shall be appointed by the Governor-General in Council:

(ii.) Shall hold office for seven years, but may be removed within that time by the Governor-General in Council, on an address from both Houses of the Parliament in the same session praying for such removal on the ground of proved misbehaviour or incapacity:

(iii.) Shall receive such remuneration as the Parliament may fix; but such remuneration shall not be diminished during their continuance in office.

104. *Saving of certain rates.*] Nothing in this Constitution shall render unlawful any rate for the carriage of goods upon a railway, the property of a State, if the rate is deemed by the Inter-State Commission to be necessary for the development of the territory of the State, and if the rate applies equally to goods within the State and to goods passing into the State from other States.

105. *Taking over public debts of States.*] The Parliament may take over from the States their public debts as existing at the establishment of the Commonwealth, or a proportion thereof according to the respective numbers of their people as shown by the latest statistics of the Commonwealth, and may convert, renew, or consolidate such debts, or any part thereof; and the States shall indemnify the Commonwealth in respect of the debts taken over, and thereafter the interest payable in respect of the debts shall be deducted and retained from the portions of the surplus revenue of the Commonwealth payable to the several States, or if such surplus is insufficient, or if there is no surplus, then the deficiency or the whole amount shall be paid by the several States.

CHAPTER V. THE STATES.

106. *Saving of Constitutions.*] The Constitution of each State of the Commonwealth shall, subject to this Constitution, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be, until altered in accordance with the Constitution of the State.

107. *Saving of Power of State Parliaments.*] Every power of the Parliament of a Colony which has become or becomes a State, shall, unless it is by this Constitution exclusively vested in the Parliament of the Commonwealth or withdrawn from the Parliament of the State, continue as at the establishment of the Commonwealth, or as at the admission or establishment of the State, as the case may be.

108. *Saving of State laws.*] Every law in force in a Colony which has become or becomes a State, and relating to any matter within the powers of the Parliament of the Commonwealth, shall, subject to this Constitution, continue in force in the State; and, until provision is made in that behalf by the Parliament of the Commonwealth, the Parliament of the State shall have such powers of alteration and of repeal in respect of any such law as the Parliament of the Colony had until the Colony became a State.

109. *Inconsistency of laws.*] When a law of a State is inconsistent with a law of the Commonwealth, the latter shall prevail, and the former shall, to the extent of the inconsistency, be invalid.

110. *Provisions referring to Governor.*] The provisions of this Constitution relating to the Governor of a State extend and apply to the Governor for the time being of the State, or other chief executive officer or administrator of the government of the State.

111. *States may surrender territory.*] The Parliament of a State may surrender any part of the State to the Commonwealth; and, upon such surrender, and the acceptance thereof by the Commonwealth, such part of the State shall become subject to the exclusive jurisdiction of the Commonwealth.

112. *States may levy charges for inspection laws.*] After uniform duties of customs have been imposed, a State may levy on imports or exports, or on goods passing into or out of the State, such charges as may be necessary for executing the inspection laws of the State; but the net produce of all charges so levied shall be for the use of the Commonwealth; and any such inspection laws may be annulled by the Parliament of the Commonwealth.

113. *Intoxicating liquids.*] All fermented, distilled, or other intoxicating liquids passing into any State or remaining therein for use, consumption, sale, or storage, shall be subject to the laws of the State as if such liquids had been produced in the State.

114. *States may not raise forces.* *Taxation of property of Commonwealth or State.*] A State shall not, without the consent of the Parliament of the Commonwealth, raise or maintain any naval or military force, or impose any tax on property of any kind belonging to the Commonwealth, nor shall the Commonwealth impose any tax on property of any kind belonging to a State.

115. *States not to coin money.*] A State shall not coin money, nor make anything but gold and silver coin a legal tender in payment of debts.

116. *Commonwealth not to legislate in respect of religion.*] The Commonwealth shall not make any law for establishing any religion, or for imposing any religious observance, or for prohibiting the free exercise of any religion, and no religious test shall be required as a qualification for any office or public trust under the Commonwealth.

117. *Rights of residents in States.*] A subject of the Queen, resident in any State, shall not be subject in any other State to any disability or discrimination which would not be equally applicable to him if he were a subject of the Queen resident in such other State.

118. *Recognition of laws, &c., of States.*] Full faith and credit shall be given, throughout the Commonwealth, to the laws, the public Acts and records, and the judicial proceedings of every State.

119. *Protection of States from invasion and violence.*] The Commonwealth shall protect every State against invasion and, on the application of the

Executive Government of the State, against domestic violence.

120. *Custody of offenders against laws of the Commonwealth.* Every State shall make provision for the detention in its prisons of persons accused or convicted of offences against the laws of the Commonwealth, and for the punishment of persons convicted of such offences, and the Parliament of the Commonwealth may make laws to give effect to this provision.

CHAPTER VI.

NEW STATES.

121. *New States may be admitted or established.* The Parliament may admit to the Commonwealth or establish new States, and may upon such admission or establishment make or impose such terms and conditions, including the extent of representation in either House of the Parliament, as it thinks fit.

122. *Government of territories.* The Parliament may make laws for the government of any territory surrendered by any State, to and accepted by the Commonwealth, or of any territory placed by the Queen under the authority of and accepted by the Commonwealth, or otherwise acquired by the Commonwealth, and may allow the representation of such territory in either House of the Parliament to the extent and on the terms which it thinks fit.

123. *Alteration of limits of States.* The Parliament of the Commonwealth may, with the consent of the Parliament of a State and the approval of the majority of the electors of the State voting upon the question, increase, diminish, or otherwise alter the limits of the State, upon such terms and conditions as may be agreed on, and may, with the like consent, make provision respecting the effect and operation of any increase or diminution or alteration of territory in relation to any State affected.

124. *Formation of new States.* A new State may be formed by separation of territory from a State, but only with the consent of the Parliament thereof, and a new State may be formed by the union of two or more States or parts of States, but only with the consent of the Parliaments of the States affected.

CHAPTER VII.

MISCELLANEOUS.

125. *Seat of Government.* The seat of Government of the Commonwealth shall be determined by the Parliament, and shall be within territory which shall have been granted to or acquired by the Commonwealth, and shall be vested in and belong to the Commonwealth, and shall be in the State of New South Wales, and be distant not less than one hundred miles from Sydney.

Such territory shall contain an area of not less than one hundred square miles, and such portion thereof as shall consist of Crown lands shall be granted to the Commonwealth without any payment therefor.

The Parliament shall sit at Melbourne until it meet at the seat of Government.

126. *Power to Her Majesty to authorize Governor-General to appoint deputies.* The Queen may authorize the Governor-General to appoint any person, or any persons jointly or severally, to be his deputy or deputies within any part of the Commonwealth, and in that capacity to exercise during the pleasure of the Governor-General such powers and functions of the Governor-General as he thinks fit to assign to such deputy or deputies, subject to any limitations expressed or directions given by the Queen; but the appointment of such deputy or deputies shall not affect the exercise by the Governor-General himself of any power or function.

127. *Aborigines not to be counted in reckoning population.* In reckoning the numbers of the people of the Commonwealth, or of a State or other part of the Commonwealth, aboriginal natives shall not be counted.

CHAPTER VIII.

ALTERATION OF THE CONSTITUTION.

128. *Mode of altering the Constitution.* This Constitution shall not be altered except in the following manner:—

The proposed law for the alteration thereof must be passed by an absolute majority of each House of the Parliament, and not less than two nor more than six months after its passage through both

Houses the proposed law shall be submitted in each State to the electors qualified to vote for the election of members of the House of Representatives.

But if either House passes any such proposed law by an absolute majority, and the other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, and if after an interval of three months the first-mentioned House in the same or the next session again passes the proposed law by an absolute majority with or without any amendment which has been made or agreed to by the other House, and such other House rejects or fails to pass it or passes it with any amendment to which the first-mentioned House will not agree, the Governor-General may submit the proposed law as last proposed by the first-mentioned House, and either with or without any amendments subsequently agreed to by both Houses, to the electors in each State qualified to vote for the election of the House of Representatives.

When a proposed law is submitted to the electors the vote shall be taken in such manner as the Parliament prescribes. But until the qualification of electors of members of the House of Representatives becomes uniform throughout the Commonwealth, only one-half the electors voting for and against the proposed law shall be counted in any State in which adult suffrage prevails.

And if in a majority of the States a majority of the electors voting approve the proposed law, and if a majority of all the electors voting also approve the proposed law, it shall be presented to the Governor-General for the Queen's assent.

No alteration diminishing the proportionate representation of any State in either House of the Parliament, or the minimum number of representatives of a State in the House of Representatives, or increasing, diminishing, or otherwise altering the limits of the State, or in any manner affecting the provisions of the Constitution in relation thereto, shall become law unless the majority of the electors voting in that State approve the proposed law.

SCHEDULE.

OATH.

I, A.B., do swear that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law. SO HELP ME GOD!

AFFIRMATION.

I, A.B., do solemnly and sincerely affirm and declare that I will be faithful and bear true allegiance to Her Majesty Queen Victoria, Her heirs and successors according to law.

(NOTE.—The name of the King or Queen of the United Kingdom of Great Britain and Ireland for the time being is to be substituted from time to time.)

CHAPTER 13.

[County Councils (Elections) Act Amendment Act, 1900.]

An Act to amend the County Councils (Elections) Act, 1891. [10th July 1900.]

Be it enacted, &c.

1. *Short title.* This Act may be cited as the County Councils (Elections) Amendment Act, 1900.

2. *Date of holding quarterly meeting of county councils.* In any year, which is not the year of election of county councillors, the ordinary day of election of the chairman and the day for holding the quarterly meeting referred to in subsection (3) of section one of the County Councils (Elections) Act, 1891 [54 & 55 Vict. c. 68], may, notwithstanding anything in that subsection, be such day in the months of March, April, or May as the county council shall from time to time determine.

3. *Extent of Act.* This Act shall not apply to Scotland or Ireland.

CHAPTER 14.

[Colonial Solicitors Act, 1900.]

An Act to provide for the admission of Solicitors of Courts of British Possessions to the Supreme Courts in the United Kingdom. [10th July 1900.]

Be it enacted, &c.

1. *Admission of solicitor of British possession.* A solicitor of a superior court in a British possession to which this Act applies, and who has been in practice before such court for not less than three years, may on giving due notice and the prescribed proof of his qualifications and good character, and either on passing the prescribed examination or, in the prescribed cases, without examination, and either after service of articles of clerkship during the prescribed period, or, in the prescribed cases, without such service, be admitted a solicitor of the Supreme Court on payment of the prescribed amount in respect of stamp duties and fees.

2. *Application of Act to British possessions.* (1.) Where as respects a superior court in a British possession Her Majesty the Queen in Council is satisfied, on the report of a Secretary of State—

(a) that the regulations respecting the admission of persons to be solicitors of that superior court are such as to secure that those solicitors possess proper qualifications and competency; and

(b) that by the law of the British possession the solicitors of the Supreme Court will be admitted to be solicitors of the superior court in the possession, on terms as favourable as those on which it is proposed to admit solicitors of that superior court in pursuance of this Act to be solicitors of the Supreme Court;

Her Majesty in Council may order that this Act shall apply, and the same shall accordingly apply to the said superior court and British possession, subject to any exceptions, conditions, and modifications specified in the order.

(2.) Her Majesty in Council, by the same or any subsequent order may, as respects the court and British possession named in the order, provide for all matters authorised by this Act to be prescribed, and for all matters appearing to Her Majesty to be necessary or proper for giving effect to the order and to this Act.

(3.) Her Majesty in Council may revoke and vary any order previously made under this Act.

3. *Definitions.* (1.) In this Act, unless the context otherwise requires, the expressions "superior court" and "solicitor" mean respectively, as respects any British possession, such court in the possession, and such solicitor, attorney, law agent, or other person entitled to practice as agent in a court of law in the British possession, as may be prescribed.

(2.) A part of a British possession under a local legislature may be treated as a British possession for the purposes of this Act.

4. *Application of Act to Scotland.* In the application of this Act to Scotland, the following modifications shall be made:—

(a) "Court of Session" shall be substituted for "Supreme Court";

(b) "Solicitor of the Supreme Court" shall mean any enrolled law agent under the Law Agents (Scotland) Act, 1873 [36 & 37 Vict. c. 63];

(c) "Articles of clerkship" shall include "indentures of apprenticeship."

5. *Application of Act to Ireland.* In the application of this Act to Ireland the following modification shall be made:—

Articles of clerkship shall include indentures of apprenticeship.

6. *Modification in application of Act to different parts of the United Kingdom.* (1.) An Order in Council applying this Act to a court in a British possession may provide that solicitors of that court may be admitted by virtue of this Act to be solicitors in any part of the United Kingdom, namely, England, Scotland, or Ireland, or in two or one of those parts only.

(2.) A person admitted under this Act to be a solicitor in one part of the United Kingdom shall not, while remaining a solicitor there, be admitted under this Act to be a solicitor in any other part of the United Kingdom.

7. *Short title, repeal, and commencement of Act.* (1.) This Act may be cited as the Colonial Solicitors Act, 1900.

(2.) The Acts specified in the schedule to this Act are hereby repealed.

(3.) This Act shall come into operation on the

first day of January one thousand nine hundred and one.

SCHEDULE.

Session and Chapter.	Title.
20 & 21 Vict. c. 39.	The Colonial Attorneys Relief Act.
37 & 38 Vict. c. 41.	The Colonial Attorneys Relief Act.
47 & 48 Vict. c. 24.	The Colonial Attorneys Relief Act Amendment Act, 1884.

CHAPTER 15.

[*Burial Act, 1900.*]

An Act to amend the Law relating to Burial Grounds. [10th July 1900.]

Be it enacted, &c.

1. *Consecration.* (1.) The burial authority for any burial ground may, if they think fit, apply to the bishop to consecrate any portion of the burial ground approved in that behalf by the Secretary of State.

(2.) If the burial authority do not make the application within a reasonable time after a request in that behalf, and the Secretary of State is satisfied that a reasonable number of the persons for whom, or within the area for which, the burial ground is provided desire that a portion of it be consecrated, and that the consecration fees have been paid or reasonably secured, the Secretary of State may make the application in respect of an approved portion of the burial ground, and the bishop may consecrate accordingly, and it shall be the duty of the burial authority to make such arrangements as may be necessary for the consecration.

2. *Chapels.* (1.) A burial authority may at their own cost erect on any part of their burial ground, which is not consecrated or set apart for the exclusive use of any particular denomination, any chapel which they consider necessary for the due performance of funeral services, but any chapel so erected after the passing of this Act shall not be consecrated or reserved for the exclusive use of any denomination.

(2.) A burial authority may, at the request and cost of the residents within their district belonging to any particular denomination, erect, furnish, and maintain a chapel for funeral services according to the rites of that denomination on the ground appropriated to their use.

(3.) Where such a request is made and the estimated costs are tendered to the burial authority or reasonably secured, then, if the burial authority refuse to grant the request or fail to give effect to it within a reasonable time, a Secretary of State may, if he thinks fit, by order in writing, require the burial authority to erect, furnish, and maintain, or to give facilities for erecting, furnishing, and maintaining, such a chapel in accordance with directions given in the order, and the burial authority shall comply with the order.

(4.) Subject to the provisions of this section the obligation of a burial authority to build a chapel within the consecrated part of a burial ground provided under the Public Health (Interments) Act, 1879 [42 & 43 Vict. c. 31], shall cease.

3. *Fees.* (1.) Every burial authority shall submit to the Secretary of State a table of fees to be received by them in respect of services rendered by any minister of religion or sexton, and the Secretary of State may approve the table with or without modifications. Provided that such fees shall be of the same amount in respect of burial service in the consecrated and the unconsecrated parts of a burial ground.

(2.) If the burial authority fail to submit such a table on being requested to do so by the Secretary of State, he may make a table of fees.

(3.) The fees fixed by the table shall be payable

to and collected by the burial authority, together with the other fees payable to them, and shall be paid by the burial authority to the minister or sexton in such manner as may be agreed on, or as in default of agreement may be directed by the Secretary of State.

(4.) Subject to the provisions of this section, no fee shall be payable to any incumbent of a parish in respect of any right of exclusive burial, or the erection of a monument, or any other matter whatsoever, in any burial ground maintained by a burial authority, except for services rendered by him, and this enactment shall apply to any such fee which is by law or custom payable to the churchwardens of any parish or to trustees or other persons for any parochial purpose, or for the discharge of any debt or liability, in like manner as it applies to fees payable to an incumbent.

Provided as follows:—

(i.) Where, at the passing of this Act, fees other than for services rendered are payable in respect of any matter arising in any burial ground attached to or used for the purposes of a parish, and laid out and used before the passing of this Act, the like fees shall continue to be paid during the incumbency of the person who, at the passing of this Act, is the incumbent of the parish, or during a period of fifteen years from the passing of this Act, whichever is longer, or if the fees are not paid to the incumbent, or to any person claiming through or under him, then during the said period of fifteen years, and shall be applicable to the like purposes as heretofore, and the burial authority shall collect and pay these fees in like manner as the fees to be paid for services rendered;

(ii.) The Ecclesiastical Commissioners may at the request and subject to the approval of the incumbent, or other person interested, agree with any burial authority for such payment, periodical or otherwise, as may be thought equitable in commutation of the fees other than those claimed for services rendered, and an agreement so approved shall be binding on the persons for the time being interested, and the burial authority may make accordingly any payment so agreed upon. Where the fees are paid to an incumbent, or to any person claiming through or under him, the Ecclesiastical Commissioners shall apply the commutation money in the first instance to such compensation of the existing incumbent as they may deem equitable, regard being had to all the circumstances of the case; and the residue, if any, for the augmentation of the benefice.

(5.) No fee, other than fees payable to a sexton for services rendered by him, shall be paid to any clerk or other ecclesiastical officer in respect of interments in a burial ground maintained by a burial authority. Provided that any clerk or other ecclesiastical officer who at the passing of this Act is entitled to fees in respect of interments in any such burial ground may apply to the burial authority for compensation for the pecuniary loss caused to him by the foregoing enactment, and the burial authority shall receive and consider the application, and pay to him such sum of money as equitable compensation for his loss and in such manner as may be agreed on, or in default of agreement may be directed by the Secretary of State.

(6.) For the purposes of this section, a burial authority may borrow in like manner and subject to the like conditions as they may borrow for the provision of a burial ground.

(7.) The provisions of this section, except those as to collection, shall apply to any fixed annual sum substituted for fees in pursuance of section thirty-seven of the Burials Act, 1852, in like manner as they apply to fees.

4. *Transfer of powers to Local Government Board.* The powers and duties of the Secretary of State under or referred to in the enactments in the First Schedule to this Act shall be transferred to the Local Government Board, and those enactments shall have effect as if any reference therein to a Secretary of State were a reference to the Local Government Board.

5. *Inquiries by Secretary of State.* (1.) The Secretary of State may, if he thinks fit, appoint

any person to inquire into any matter relating to the consecration of any part of a burial ground, or the building of any chapel therein, or the fixing, varying, or commutation of or compensation for any fees payable to ministers of religion, ecclesiastical officers, and sextons in connection therewith.

(2.) The Secretary of State may make such order as he thinks just as to the payment by the burial authority or other parties of the whole or any part of the costs of the inquiry, including the remuneration and expenses herein-after mentioned. Any such order may direct payment to be made to the Exchequer or other parties, and may be enforced as if it were an order of the High Court.

(3.) The Secretary of State may assign to any person appointed under this section such remuneration not exceeding five guineas a day as he may think fit, and a suitable allowance for expenses, and the remuneration and allowance so assigned shall, except so far as otherwise provided, be paid out of moneys provided by Parliament.

6. *Protection of unconsecrated burial ground.* Unconsecrated ground which is maintained by a burial authority and set apart for the purposes of burial shall not be applied to any other purpose except by leave of the Local Government Board.

7. *Obligation of incumbent as to burial.* The incumbent of any ecclesiastical parish situate wholly or partly within the area for which a burial ground is provided under the Public Health (Interments) Act, 1879 [42 & 43 Vict. c. 31], shall, with respect to his own parishioners, and persons dying in his parish, be under the same obligation to perform funeral services in that burial ground as he is to perform funeral services in a burial ground provided under the Burial Acts, and the power of the burial authority to appoint a chaplain for a burial ground provided under the Public Health (Interments) Act, 1879, shall cease, and where there is no chaplain for a burial ground so provided, burials in the consecrated part of the ground shall be registered in like manner, and subject to the like provisions as burials in the unconsecrated part.

8. *Notice of intention to bury.* The notice to be given of intention to bury in a burial ground maintained by a burial authority shall be given at such time and to such person as the burial authority may direct, and so much of section one of the Burial Laws Amendment Act, 1880 [43 & 44 Vict. c. 41], as requires forty-eight hours' notice to be given in any such case shall be repealed.

9. *Application of certain provisions of Burial Acts to cemeteries under 42 & 43 Vict. c. 31.* The provisions of section seven of the Burial Act, 1853, as to allotment of the unconsecrated part of a burial ground, and the Burial Laws Amendment Act, 1880, as amended by this Act, shall apply to burial grounds provided under the Public Health (Interments) Act, 1879, as if the burial authority were a burial board.

10. *Boundary fences.* Section fifteen of the Cemeteries Clauses Act, 1847 [10 & 11 Vict. c. 65] (relating to boundary fences), shall not apply to a burial ground provided under the Public Health (Interments) Act, 1879.

11. *Meaning of burial authority.* In this Act the expression "burial authority" shall mean any burial board, any council, committee, or other local authority having the powers and duties of a burial board, and any local authority maintaining a cemetery under the Public Health (Interments) Act, 1879 [42 & 43 Vict. c. 31], or under any local Act.

12. *Repeal.* The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

13. *Short title and commencement.* (1.) This Act may be cited as the Burial Act, 1900, and may be cited and shall be construed with the Burial Acts, 1852 to 1885.

(2.) This Act shall come into operation on the first day of January one thousand nine hundred and one.

SCHEDULES.
FIRST SCHEDULE.

ENACTMENTS GIVING OR REFERRING TO POWERS
WHICH ARE TO BE TRANSFERRED TO THE LOCAL
GOVERNMENT BOARD.

Session and Chapter.	Short Title.	Enactments.
15 & 16 Vict. c. 85.	The Burial Act, 1852.	Sections two, six, seven, nine, ten, and forty-four.
16 & 17 Vict. c. 134.	The Burial Act, 1853.	Sections one, four, five, and six.
18 & 19 Vict. c. 128.	The Burial Act, 1855.	Sections three, six, seven, eight, and seventeen.
20 & 21 Vict. c. 81.	The Burial Act, 1857.	Sections nine, ten, twenty-three, and twenty-four.
22 Vict. c. 1.	The Burial Act, 1859.	Section one.
23 & 24 Vict. c. 64.	The Burial Act, 1860.	Section four.
34 & 35 Vict. c. 33.	The Burial Act, 1871.	Section one.

SECOND SCHEDULE.
ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
15 & 16 Vict. c. 85.	The Burial Act, 1852.	Section thirty, from "and to build" to the end of the section. In section thirty-one the words "as aforesaid." In section thirty-two the words "from and after the consecration as aforesaid of"; the words from "except any portion" to "appoint, such burial ground"; the words "and shall be entitled to receive the same fees in respect of such burials which he has previously enjoyed and received"; the words "and shall be entitled to receive the same fees on such burials"; and the words "and received" where they last occur. Section thirty-three, from "but there shall be payable" to the end of the section. In section thirty-four, the words "without prejudice to the fees and payments herein specially provided for." Sections thirty-five, thirty-six, and thirty-seven. Section fifty so far as it relates to a burial ground under a burial authority.

Session and Chapter.	Short Title.	Extent of Repeal.
16 & 17 Vict. c. 134.	The Burial Act, 1853.	Section seven, so far as it re-enacts any provision repealed by this Act, and the words "that new burial ground shall be divided into consecrated and unconsecrated parts, in such proportions and"; and from "and when any burial board" to the end of the section.
17 & 18 Vict. c. 87.	The Burial Act, 1854.	Sections eight and ten.
18 & 19 Vict. c. 128.	The Burial Act, 1855.	Sections ten and fourteen.
20 & 21 Vict. c. 35.	The City of London Burial Act, 1857.	Sections one, three, four, and five, and the Schedule.
20 & 21 Vict. c. 81.	The Burial Act, 1857.	Section three, from "and may, if they see fit," to the end of the section. In section five, the words "and consecrated," and the words "and be entitled to the same fees," in each case where they occur. In section twelve, the words "which application the board is required to make as soon as such ground is in such fit and proper condition." Section seven-teen.

CHAPTER 16.

[District Councillors and Guardians (Term of Office) Act, 1900.]

An Act to make further provision for the Term of Office of District Councillors and Guardians. [10th July 1900.]

Be it enacted, &c.:

1. Power to rescind Orders as to retirement of District Councillors or Guardians.] (1.) Where, in pursuance of the Local Government Act, 1894 [56 & 57 Vict. c. 73], on such application or request as in that Act is mentioned, an order or direction has been or hereafter may be made or given by the council of a county or county borough, or a joint committee of any such councils, as the case may be, with respect to the retirement of members of an urban or rural district council, or of a board of guardians, the council or joint committee may, on the like application or request, by order rescind such first-mentioned order or direction.

(2.) Every order made in pursuance of this section shall provide for all matters necessary or proper for carrying into effect the objects of the said order; and, in particular, shall require all the councillors or guardians in office at the date thereof to go out of office, and their places to be filled by the newly-elected councillors or guardians, on the fifteenth day of April next following that date.

(3.) Where an order, made in pursuance of this section, rescinds an order made in pursuance of subsection three of section sixty of the Local Government Act, 1894, the proviso to that subsection shall apply as if the first-mentioned order were made under the said subsection.

2. Short title.] This Act may be cited as the

District Councillors and Guardians (Term of Office) Act, 1900.

CHAPTER 17.

[Naval Reserve (Mobilisation) Act, 1900.]

An Act to amend the Royal Naval Reserve (Volunteer) Act, 1859, in relation to calling out the Volunteers for Actual Service. [10th July 1900.]

Be it enacted, &c.:

1. Directions by Admiralty as to numbers of volunteers called out.] Where Her Majesty in pursuance of section four of the Royal Naval Reserve (Volunteer) Act, 1859 [22 & 23 Vict. c. 40], orders and directs that volunteers under that Act shall be called into actual service, Her Majesty may authorise the Admiralty to give, and, when given, to revoke or vary, such directions as may seem necessary or proper for calling out all or any of the said volunteers as the occasion may require.

2. Short title.] This Act may be cited as the Naval Reserve (Mobilisation) Act, 1900.

CHAPTER 18.

[County Surveyors (Ireland) Act, 1900.]

An Act to amend the County Surveyors (Ireland) Act, 1862. [10th July 1900.]

CHAPTER 19.

[Land Registry (New Buildings) Act, 1900.]

An Act for the acquisition of Property for building a new Land Registry Office and other Public Offices in London, and for purposes connected therewith. [30th July 1900.]

Whereas it is expedient to provide a new building for the business of the Land Registry Office and other public departments carried on at the Land Registry Office situate in Lincoln's-inn-fields, and for such other public offices as may be determined: And whereas for that purpose it is expedient that the Commissioners of Works (in this Act called the Commissioners) should be empowered to acquire certain land and buildings situated in the parishes of Saint Clement Danes and Saint Giles-in-the-Fields, in the county of London:

And whereas these lands and buildings cannot be acquired without the authority of Parliament:

And whereas duplicate plans (in this Act referred to as the deposited plans) describing the situation of the land proposed to be acquired, with the houses and buildings thereon, with a book of reference thereto (in this Act referred to as the deposited book of reference), containing the names of the owners and lessees, or reputed owners and lessees, and of the occupiers thereof, have been deposited with the clerk of the peace for the county of London:

Be it therefore enacted, &c.:

1. Power to purchase land.] The Commissioners may purchase and acquire for the purposes of this Act all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

2. Incorporation of Lands Clauses Acts.] (1.) For the purpose of the purchase and acquisition of land under this Act the Lands Clauses Acts shall, subject to the provisions of this Act, be incorporated with this Act with the following exceptions and modifications:-

(a.) The provisions relating to the sale of superfluous land and access to the special Act and section one hundred and thirty-three of the Lands Clauses Consolidation Act, 1845 [8 & 9 Vict. c. 18] (relating to land tax and poor rate), shall not be incorporated with this Act: (b.) In the construction of this Act, and of the incorporated Acts, this Act shall be deemed to be the "special Act," and the Commissioners shall be deemed to be the "promoters of the undertaking":

(c.) The bond required by section eighty-five of the Lands Clauses Consolidation Act, 1845, shall be under the common seal of the Commissioners, and shall be sufficient without the

addition of the sureties mentioned in that section:

(d.) All claims for compensation made upon the Commissioners under this Act, or any Act incorporated herewith, shall, if the person claiming has no greater interest in the land in respect of which compensation is claimed, than as tenant from year to year, or as a leaseholder for any term of which not more than eighteen months remain unexpired at the time at which the claim is made, be determined in manner provided by section one hundred and twenty-one of the Lands Clauses Consolidation Act, 1845.

(2.) The powers of the Commissioners for the compulsory purchase of land under this Act shall cease after the expiration of three years from the passing of this Act.

3. *Issue and raising of money for purposes of Act.*

(1.) The Treasury may issue out of the Consolidated Fund or the growing produce thereof such sums, not exceeding in the whole the sum of two hundred and sixty-five thousand pounds, as may be required by the Commissioners for such purposes connected with the acquisition of land and the erection of buildings under this Act as the Treasury may approve.

(2.) The Treasury may, if they think fit, at any time for the purpose of providing money for the issue of sums out of the Consolidated Fund under this Act, or the repayment to that Fund of all or any part of the sums so issued, borrow money by means of terminable annuities for such period, not exceeding fifty years from the passing of this Act, as the Treasury may fix, and all sums so borrowed shall be paid into the Exchequer.

(3.) The said annuities shall be paid out of moneys provided by Parliament for the service of the Commissioners, and if those moneys are insufficient, shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof.

(4.) The Commissioners shall, within six months after the end of every financial year in which money is issued under this section, cause to be made out an account, in the form required by the Treasury, showing the money expended and borrowed and the securities created under this Act; and the account of expenditure under this Act shall be audited and reported upon by the Comptroller and Auditor-General as an appropriation account in manner directed by the Exchequer and Audit Department Act, 1866.

4. *Land tax.* (1.) Any land tax assessed on the first day of January, one thousand nine hundred, on any part of the land acquired by the Commissioners of Works for the purposes of this Act shall, as from the date of acquisition, be deemed to have been redeemed at the price and in accordance with the conditions provided by the Finance Act, 1896 [59 & 60 Vict. c. 28], and the Land Tax Acts therein defined, and after the date of acquisition no sum shall be assessed or charged in respect of land tax on any part of the land so acquired.

(2.) The Commissioners of Inland Revenue shall grant a certificate of exoneration from assessment to land tax of the lands so acquired, and that certificate shall be registered by the officer appointed for the registry of contracts for the redemption of land tax.

5. *Extinction of rights of way and other easements.*

(1.) All rights of way, rights of laying down or of continuing any pipes, sewers, or drains, on, through, or under any of the land acquired by the Commissioners under the provisions of this Act, and all other rights and easements in or relating to that land, shall be extinguished, and all the soil of those ways, and the property in the pipes, sewers, and drains shall vest in the Commissioners.

(2.) Provided that any persons may recover from the Commissioners such compensation (if any) as they may be entitled to under any of the provisions of the Lands Clauses Acts for any rights or property of which they may be deprived in pursuance of this section and the amount of that compensation shall be determined in manner provided by the Lands Clauses Acts as modified for the purpose of their incorporation with this Act.

6. *Saving for County Council.* Nothing in this Act shall affect any rights or jurisdiction of the

London County Council in relation to any sewers, drains, or watercourses.

7. *Power to enter on lands.* The Commissioners and their surveyors, officers, and workmen may at all reasonable time in the daytime, on giving twenty-four hours' notice in writing, enter on any of the land which the Commissioners are authorised to acquire under this Act for the purpose of surveying or valuing the land.

8. *Power of Commissioners to build.* The Commissioners may erect all such buildings, execute all such works, and do all such other things as may in their opinion be necessary or proper for the purpose of providing, on land acquired by them under this Act, and on the site of the present Land Registry Office, accommodation for the business of the Land Registry Office and other public departments carried on at the Land Registry Office, and for such other public offices as may be determined, and appropriating any such land for any of those purposes.

9. *Protection of works of gas, water, and electricity companies.* (1.) Where, in the removal or pulling down of any buildings or in raising or lowering the ground of any street or way for the purpose of this Act, it is necessary to raise, sink, or otherwise alter the position relatively to the surface of the ground of any pipe, wire, or other apparatus, laid down or used by any gas, water, or electricity company, or connected with any house or building for the supply of gas, water, or electricity,

(a) one month's notice shall be given to the company previously to the commencement of any such work; and

(b) the work shall be executed to the reasonable satisfaction of the engineer of the company, or in case of difference of an engineer to be selected by the Board of Trade; and

(c) every such work shall be so executed as to cause as little inconvenience as circumstances will admit to the company; and

(d) the Commissioners shall make compensation to the company for all loss or damage, if any, which may be occasioned by the execution of any of the works authorised by this Act.

(2.) For the purposes of this section the expression "gas, water, or electricity company" includes any person or body of persons supplying gas, water, or electricity.

10. *Application of 15 & 16 Vict. c. 28.* The provisions of the Commissioners of Works Act, 1852, and any Act amending that Act, shall apply in the case of the acquisition of land by the Commissioners under this Act in like manner as in the case of a purchase under that Act, and any notice, summons, writ, or other document required to be given, issued, or signed, by or on behalf of the Commissioners, may be given, issued, or signed by the secretary or assistant secretary of the Commissioners and need not be under their common seal.

11. *Penalty for obstructing Commissioners.* If any person wilfully obstructs any person acting under the authority of the Commissioners in the lawful exercise of the powers vested in them under this Act, he shall for each offence be liable, on summary conviction, to a fine not exceeding five pounds.

12. *Short title.* This Act may be cited as the Land Registry (New Buildings) Act, 1900.

CHAPTER 20.

[*Ecclesiastical Assessments (Scotland) Act, 1900.*]

An Act to amend the Law regarding Ecclesiastical Assessments in Scotland.
[30th July 1900.]

CHAPTER 21.

[*Mines (Prohibition of Child Labour Underground) Act, 1900.*]

An Act to prohibit Child Labour Underground in Mines.
[30th July 1900.]

Be it enacted, &c.:

1. *Prohibition of employment of boys under thirteen below ground.* (1.) A boy under the age of thirteen

years shall not be employed in or allowed to be for the purpose of employment in any mine below ground, and accordingly sections four and five of the Coal Mines Regulation Act, 1887 [50 & 51 Vict. c. 58], and section four of the Metalliferous Mines Regulation Act, 1872 [35 & 36 Vict. c. 77], shall be read and have effect as if for the word "twelve" the word "thirteen" were substituted therein.

(2.) Nothing in this section shall apply to any boy who has been lawfully employed in any mine below ground before the passing of this Act.

2. *Short title.* This Act may be cited as the Mines (Prohibition of Child Labour Underground) Act, 1900.

CHAPTER 22.

[*Workmen's Compensation Act, 1900.*]

An Act to extend the benefits of the Workmen's Compensation Act, 1897, to Workmen in Agriculture.
[30th July 1900.]

Be it enacted, &c.:

1. *Application of 60 & 61 Vict. c. 37 to agricultural work.* (1.) From and after the commencement of this Act, the Workmen's Compensation Act, 1897, shall apply to the employment of workmen in agriculture by any employer who habitually employs one or more workmen in such employment.

(2.) Where any such employer agrees with a contractor for the execution by or under that contractor of any work in agriculture, section four of the Workmen's Compensation Act, 1897, shall apply in respect of any workman employed in such work as if that employer were an undertaker within the meaning of that Act.

Provided that, where the contractor provides and uses machinery driven by mechanical power for the purpose of threshing, ploughing, or other agricultural work, he, and he alone, shall be liable under this Act to pay compensation to any workman employed by him on such work.

(3.) Where any workman is employed by the same employer mainly in agricultural but partly or occasionally in other work, this Act shall apply also to the employment of the workman in such other work.

The expression "agriculture" includes horticulture, forestry, and the use of land for any purpose of husbandry, inclusive of the keeping or breeding of live stock, poultry, or bees, and the growth of fruit and vegetables.

2. *Short title.* This Act may be cited as the Workmen's Compensation Act, 1900, and shall be read as one with the Workmen's Compensation Act, 1897, and that Act and this Act may be cited together as the Workmen's Compensation Acts, 1897 and 1900.

3. *Commencement of Act.* This Act shall come into operation on the first day of July one thousand nine hundred and one.

CHAPTER 23.

[*Poor Removal Act, 1900.*]

An Act to amend the Law relating to the Removal of Paupers from England to Ireland.
[30th July 1900.]

Be it enacted, &c.:

1. *Restriction on removal of paupers from England to Ireland.* (1.) A person who has resided continuously for five years in England shall not thereafter be removable to Ireland under the Acts relating to the relief of the poor.

(2.) In cases where under the Acts relating to the relief of the poor a pauper is removable from England to Ireland, boards of guardians may make and give effect to agreements that the pauper, instead of being removed, shall be maintained by the board of guardians of the poor law union from which he is removable at the expense of the board of guardians of the union to which, if removed, he would be chargeable; and such agreements may be entered into whether application for a warrant of removal has been made or not.

2. *Short title.* This Act may be cited as the Poor Removal Act, 1900.

CHAPTER 24.

[Veterinary Surgeons Amendment Act, 1900.]

An Act to further amend the Law relating to Veterinary Surgeons. [30th July 1900.]

Whereas persons who are the holders of the veterinary certificate of the Highland and Agricultural Society of Scotland, granted prior to the passing of the Veterinary Surgeons Act, 1881, are permitted to practise the art and science of veterinary surgery and medicine, but are not amenable to the disciplinary powers conferred on the Royal College of Veterinary Surgeons over persons on the Register of Veterinary Surgeons:

Be it therefore enacted, &c.:

1. *Construction and short title.* This Act shall be supplemental to, and shall be read with, the Veterinary Surgeons Act, 1881 [44 & 45 Vict. c. 62] (herein-after called the principal Act), and may be cited as the Veterinary Surgeons Amendment Act, 1900.

2. *Extension of disciplinary powers of Royal College of Veterinary Surgeons.* From and after the first day of January one thousand nine hundred and one, all persons now holding the veterinary certificate of the Highland and Agricultural Society of Scotland granted prior to the passing of the principal Act shall be subject to the jurisdiction of the Royal College of Veterinary Surgeons in like manner as members of the Royal College of Veterinary Surgeons, and shall be liable to be deprived by the Council of the said College of the rights of styling themselves members of the veterinary profession, or recovering fees in respect of the practice of the veterinary art, subject to and under the conditions and with the restrictions specified in section six of the principal Act.

3. *Penalties.* Any person who may be deprived of such rights under the provisions of section two of this Act shall be subject to the penalties mentioned in section seventeen of the principal Act if he takes or uses the title of veterinary surgeon or veterinary practitioner, or any name, title, addition, or description, stating that he is a veterinary surgeon, or a practitioner of veterinary surgery or of any branch thereof, or is specially qualified to practice the same, and he shall not be entitled to recover in any court any fee or charge for performing any veterinary operation, or for giving any veterinary attendance or advice, or for acting in any manner as a veterinary surgeon or veterinary practitioner, or for practising in any case veterinary surgery or any branch thereof, anything in such section to the contrary notwithstanding.

CHAPTER 25.

[Charitable Loan Societies (Ireland) Act, 1900.]

An Act to amend the Charitable Loan Societies (Ireland) Act, 1843. [30th July 1900.]

CHAPTER 26.

[Land Charges Act, 1900.]

An Act to amend the Law relating to charges on Land and to matters connected therewith. [30th July 1900.]

Be it enacted, &c.:

1. *Transfer to Land Registry Office of business relating to the registry of judgments.* (1.) The business of the registrar of judgments hitherto conducted in the central office of the Supreme Court shall be conducted in the Office of Land Registry, and the Lord Chancellor may by order provide for transferring to the Office of Land Registry such officers as may be required for conducting that business, and such books and papers as may be needed in connection therewith, and for carrying out any arrangements incidental to or consequential on the transfer, and for abolishing the office of registrar of judgments.

(2.) Provided that nothing in this section shall apply to the registry of Scotch and Irish judgments established under the Judgments Extension Act, 1868 [31 & 32 Vict. c. 54], and the Inferior Courts Judgments Extension Act, 1883 [45 & 46 Vict. c. 31], or any Act amending the same.

(3.) This section shall come into operation on such day as the Lord Chancellor at any time after the passing of this Act may by order direct.

2. *Closing of register of judgments.* (1.) A judgment or recognizance, whether obtained or entered into on behalf of the Crown or otherwise, and whether obtained or entered into before or after the commencement of this Act, shall not operate as a charge on land, or on any interest in land, or on the unpaid purchase money for any land, unless or until a writ or order for the purpose of enforcing it is registered under section five of the Land Charges Registration and Searches Act, 1888 [51 & 52 Vict. c. 51].

(2.) This section shall apply to any inquisition finding a debt due to the Crown and any obligation or specialty made to the Crown, and any acceptance of office from or under the Crown, whatever may have been its date, in like manner as it applies to a judgment.

(3.) Except under an order of the High Court, no entry shall be made in any register kept under sections nineteen and twenty-one of the Judgments Act, 1838 [1 & 2 Vict. c. 110], section eight of the Judgments Act, 1839 [2 & 3 Vict. c. 11], the Law of Property Amendment Act, 1860 [23 & 24 Vict. c. 38], the Judgments Act, 1864 [27 & 28 Vict. c. 112], or the Crown Suits, &c., Act, 1865 [28 & 29 Vict. c. 104].

3. *Amendments of 51 & 52 Vict. c. 51.* Section six of the Land Charges Registration and Searches Act, 1888, shall apply to every writ and order affecting land issued or made by any court for the purpose of enforcing a judgment, whether obtained on behalf of the Crown or otherwise, and whether obtained before or after the commencement of this Act, and to every delivery in execution or other proceeding taken in pursuance of any such writ or order, or in obedience thereto.

4. *Annex 20 not to apply to certain charges.* From and after the passing of this Act the Middlesex Registry Act, 1708, shall not apply to any instrument made after the passing of this Act and capable of registration under this Act or the Land Charges Registration and Searches Act, 1888.

5. *Repeal.* As from the commencement of this Act the enactments specified in the schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

6. *Extent, commencement, short title, and construction.* (1.) This Act shall not extend to Scotland or Ireland.

(2.) This Act shall, except as otherwise expressly provided, come into operation on the first day of July one thousand nine hundred and one.

(3.) This Act may be cited as the Land Charges Act, 1900, and shall be construed as one with the Land Charges Registration and Searches Act, 1888 [51 & 52 Vict. c. 51].

SCHEDULE.

[Section 5.]

ENACTMENTS REPEALED.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
1 & 2 Vict. c. 110.	The Judgments Act, 1838.	Section nineteen, and section twenty-one, from the words "Provided always" to "one shilling."
2 & 3 Vict. c. 11.	The Judgments Act, 1839.	Sections two, three, five, six, eight, and nine, and section four, except so far as it applies to lis pendens.
3 & 4 Vict. c. 82.	The Judgments Act, 1840.	Section two.
18 & 19 Vict. c. 15.	The Judgments Act, 1855.	Section two, from "But no judgment" to the end of the section; section three, except so far as it relates to lis pendens; and sections four to eight.

Session and Chapter.	Short Title.	Extent of Repeal.
23 & 24 Vict. c. 38.	The Law of Property Amendment Act, 1860.	Sections one to five.
27 & 28 Vict. c. 112.	The Judgments Act, 1864.	Sections one, two, and three, and, in section four, the words "and whose writ or other process of execution shall be duly registered."
28 & 29 Vict. c. 104.	The Crown Suits, &c., Act, 1865.	Sections forty-eight and forty-nine.
51 & 52 Vict. c. 51.	The Land Charges Registration and Searches Act, 1888.	Proviso (a) of section six.

CHAPTER 27.

[Railway Employment (Prevention of Accidents) Act, 1900.]

An Act for the better Prevention of Accidents on Railways. [30th July 1900.]

Be it enacted, &c.:

1. *Power to make rules as to dangerous railway operations.* (1.) The Board of Trade may, subject to the provisions of this Act, make such rules as they think fit with respect to any of the subjects mentioned in the schedule to this Act, with the object of reducing or removing the dangers and risks incidental to railway service.

(2.) Where the Board of Trade consider that avoidable danger to persons employed on any railway arises from any operation of railway service (not being a matter in respect to which rules may be made under the foregoing provisions of the section), whether that danger arises from anything done or omitted to be done by the railway company or any of its officers or servants, or from any want of proper appliances or plant, they may, subject to the provisions of this Act, after communicating with the railway company, and giving them a reasonable opportunity of reducing or removing the danger or risk, make rules for that purpose.

(3.) The Board of Trade may, by any rules made under this section, require amongst other matters the use of any plant or appliance which has been shown to the satisfaction of the Board of Trade to be calculated to reduce danger to persons employed on a railway, or the disuse of any plant or appliance which has been similarly shown to involve such danger.

(4.) The Board of Trade shall, by any rule made by them under this section, give a reasonable time for carrying out the requirements of the rule.

2. *Publication and consideration of draft rules.* (1.) When the Board of Trade propose to make any rules under this Act, the Board shall publish in the London Gazette, notice of the proposal to make the rules, and of the place where copies of the draft rules may be obtained, and of the time, not being less than one month, within which any objection or suggestion made with respect to the draft rules by or on behalf of persons affected must be lodged with the Board, and shall take such other steps as they think best adapted for giving information with respect to those matters to persons affected.

(2.) The Board of Trade shall consider any objection or suggestion made by or on behalf of persons appearing to them to be affected which is lodged within the required time, and give to any person lodging any such objection or suggestion an opportunity of communicating with the Board on the matter.

(3.) The Board of Trade may modify the draft rules in such manner as may seem expedient on consideration of the objections or suggestions, and may, if they think fit, withdraw any draft rule

without prejudice to the power of making a new rule with respect to the same matter.

8. Reference of objections to Railway Commissioners.] (1.) If, after the consideration of any such objection (including an objection relating to any matter within the discretion of the Board of Trade) the person who has made it is not satisfied with the mode in which the objection is dealt with, he may, by notice in writing to the Board of Trade given within the time limited in that behalf by the Board, require the Board to refer the objection to the Railway and Canal Commissioners, and the Board shall so refer the objection accordingly.

(2.) The Commissioners shall consider whether any objection so referred to them is reasonable or not, and if they determine that the objection is reasonable the rule to which the objection relates shall not be made.

4. Questions to be kept in view in considering objections.] The Board of Trade, in considering any objection to a draft rule, and the Commissioners, in considering any objection referred to them, shall, amongst other matters, have regard to the question whether the requirements of the rule would materially interfere with the trade of the country, or with the necessary operations of any railway company.

5. Making of rules.] (1.) The Board of Trade, after the consideration of objections and suggestions, shall (except when they withdraw the rules) send a copy of the rules as proposed to be made to each objector, and shall fix a limit of time, not being less than one month, within which any notice requiring an objection to be referred to the Commissioners is to be given to the Board.

(2.) If no such notice is given to the Board of Trade within the time so limited, the Board may make the rules as proposed to be made; but if any such notice is given within that time the Board shall not make the rules until the Commissioners have given their decision on the objection, and have decided against it.

6. Power to refer objections to referees.] The Board of Trade shall, on being satisfied that it is the general desire of the objectors, refer to a referee appointed by the Board of Trade any objections which the Board are required to refer to the Railway and Canal Commissioners, and thereupon the referee shall take the same proceedings, and have regard to the same matters, and his decision shall have the same effect, as if the objections had been referred to the Commissioners.

7. Application of rules.] Rules made under this Act may apply either generally, or to any particular railways or class of railways, and may provide for the exemption from their operation of any specified railways or class of railways.

8. Power to make an order or give a direction in place of a rule.] Where, in the opinion of the Board of Trade, the requirements of the case would be better met by a specific order or direction than by a general rule, the Board of Trade may make such an order or direction in the same manner as they may make a rule under this Act, and subject to the same provisions, and the provisions of this and any other Act shall apply as if the order or direction were a rule under this Act.

9. Power to extend time.] The Board of Trade may extend the time fixed by them under this Act for the making of objections or suggestions with respect to draft rules, or the giving of a notice requiring an objection to be referred to the Commissioners, in the case of any objection, suggestion, or notice, if it is shown to their satisfaction that the extension of time is justified by the special circumstances of the case.

10. Application to rescind or vary rules.] (1.) Any person affected by any rule made under this Act, which has been in operation for a period exceeding three months, may apply to the Board of Trade to make a rule rescinding or varying the same. Such application shall be made in writing and shall be accompanied by a statement of the grounds upon which it is made.

(2.) If any such application is made within eighteen months after the date on which the rule in respect of which the application is made has come into operation, and the Board of Trade decline to entertain the application, the Board of Trade shall, if requested by the person making the

application, refer it to the Railway and Canal Commissioners, and the Commissioners shall consider and decide whether the application is reasonable or not, as if it were an objection to a rule under this Act, and if they decide that the application is reasonable, the Board of Trade shall propose a rule to meet it.

11. Penalties.] (1.) If any railway company or other company or person acts in contravention of, or fails to comply with, any rule under this Act, then—

(a) the company or person shall be liable for each offence on conviction under the Summary Jurisdiction Acts to a fine not exceeding fifty pounds, or in the case of a continuing offence to a fine not exceeding ten pounds for every day during which the offence continues after conviction; or

(b) on the application of the Board of Trade, compliance with the rule may be enforced by the Railway and Canal Commissioners as if the rule were an order made by those Commissioners in the exercise of their statutory jurisdiction.

(2.) A summary conviction for an offence under this section shall be subject to an appeal to a court of quarter sessions in manner provided by the Summary Jurisdiction Acts.

12. Procedure before Commissioners.] The proceedings on and incidental to the consideration of an objection by the Railway and Canal Commissioners under this Act shall be conducted in accordance with rules made by the Commissioners, and provision may be made by those rules for the consideration of any matter either by a single Commissioner, or by a Commissioner or Commissioners, with one or more assessors, for the award of costs where in the opinion of the Commissioners a requirement to refer an objection to the Commissioners is frivolous and vexatious, and for hearing any persons the Commissioners think fit to hear either in support of or in opposition to an objection.

13. Inspection and notices of accidents.] (1.) The powers of the Board of Trade for the inspection of railways shall include power to inspect any railway for the purpose of ascertaining whether there is any ground for proceeding under this Act; or whether there has been any contravention of or default in compliance with any rule made under this Act.

(2.) The duty of a railway company to give notice of accidents shall apply to accidents attended with loss of life or personal injury to any person in the employment of the company on any line, or siding having a junction with the railway of the railway company, but not belonging to or in the occupation of any railway company, in like manner as it applies to such accidents when occurring on the railway of the company, and the provisions relating to the notice of such accidents shall have effect accordingly.

(3.) Where any line or siding is used in connection with a factory, workshop, or mine, and is neither part of the factory, workshop, or mine, nor a railway within the meaning of this Act, the occupier of the factory or workshop, or the agent, occupier, or manager of the mine, shall be under the same obligation to give notice of accidents occurring on the line or siding to persons employed in the factory, workshop, or mine, as a railway company in the case of accidents occurring on a railway; but the notice shall be given to the Secretary of State, and the Secretary of State shall have the same powers and duties with respect to inquiries and investigations and the appointment of an assessor to the coroner as the Board of Trade has in similar cases.

14. Issuing debenture stock to meet expenses incurred under this Act.] Where the requirements of any rules under this Act involve any expenditure by a railway company which would properly be chargeable to capital account, the company may furnish to the Board of Trade an estimate of the expenditure, and thereupon the Board of Trade shall, on the application of the company, fix and determine the sum which is properly chargeable to capital account, and the company may issue debentures or debenture stock ranking par passu with any existing debentures or debenture stock of the company, bearing interest at a rate not exceeding five per cent. per annum, to an amount not exceeding the sum so fixed and determined, and

any money raised under the provisions of this section shall be applied in carrying out the requirements of the rules, and to no other purpose whatsoever, and no other authority, save the certificate of the Board of Trade, shall be requisite to authorise and validate the issue of the debentures or debenture stock.

15. Staff, inquiries, and experiments.] (1.) The Board of Trade may (with the concurrence of the Treasury as to number and salary) appoint or employ such persons as appear to them to be required for carrying this Act into effect, and may hold such inquiries, and make such experiments as they think expedient for that purpose.

(2.) Subject to the provisions of this Act the remuneration of any such persons, and the expenses incurred by the Board in relation to any inspection, inquiry, or experiment under this Act shall (to an amount approved by the Treasury) be defrayed out of moneys provided by Parliament.

(3.) It shall be the duty of every railway company to give all reasonable facilities (subject to the due working of their traffic) for conducting any experiments made by the Board of Trade for the purpose of this Act, but such experiments shall be made without risk or expense to the railway company except as may be otherwise agreed, and except in case of default on the part of the railway company in conducting the experiments.

(4.) Where under this Act any objections are referred to a referee instead of to the Railway and Canal Commissioners, section three of the Board of Trade (Arbitrations, &c.) Act, 1874 [37 & 38 Vict. c. 40], shall apply as if the referee were appointed on an application made in pursuance of a special Act, and the objectors were parties to the application within the meaning of that section.

(5.) Where the Board of Trade hold a special inquiry with reference to an objection to a proposed rule on the application of the objector, the person appointed to hold the inquiry may, if on the inquiry it appears to him that the circumstances were not such as to render a special inquiry necessary, order the objector to pay the whole or any part of the costs certified by the Board to have been incurred by them in holding the special inquiry, and any amount so ordered to be paid may be recovered as a debt due to the Crown.

16. Definition of "railway" and "railway company."] In this Act—

The expression "railway" means any railway used for the purposes of public traffic whether passenger, goods, or other traffic, and includes any works of the railway company connected with the railway; and

The expression "railway company" includes a company or person working a railway under lease or otherwise.

17. Obligation of railway company under terms of lease or agreement.] If any rule made under this Act imposes an obligation on a railway company inconsistent with the terms of any lease or agreement under which the railway of that company is worked, the railway company shall not be under any liability for any breach of or default in complying with the terms of any such lease or agreement, so far as that breach or default is a necessary consequence of compliance with the rule.

18. Provision against double notices, double inspections, &c.] Nothing in this Act shall require notice of accidents to be given in cases where such a notice is required to be given under any Act relating to factories or mines, or authorise any inspection, inquiry, or investigation, to be made where an inspection, inquiry, or investigation may be made with respect to the same matter for the same purpose under any other Act by, or by any officer of, a Government Department.

19. Application to Scotland and Ireland.] (1.) In the application of this Act to railways in Scotland and Ireland respectively, references to the Edinburgh or Dublin Gazette shall, as the case may require, be substituted for references to the London Gazette.

(2.) In the application of this Act to railways in Scotland, the following modifications shall be made:—

The expression "Summary Jurisdiction Acts" means the Summary Jurisdiction (Scotland) Acts;

The summary jurisdiction conferred by this Act

shall be exercised solely by the sheriff, and shall be held to be civil within the meaning of the twenty-eighth section of the Summary Procedure Act, 1864 [27 & 28 Vict. c. 53]. The sheriff shall upon request of any party to the cause take notes of the evidence, and any party, if dissatisfied with the sheriff's judgment as erroneous either in point of law or of fact, may appeal thereagainst to either division of the Court of Session, which appeal shall be heard summarily by the said Division, whose judgment shall be final. The Court of Session may, if it thinks fit, by act of sederunt regulate the form and time of presentation of such appeals.

20. *Short title.*] This Act may be cited as the Railway Employment (Prevention of Accidents) Act, 1900.

SCHEDULE.

1. Brake levers on both sides of waggons.
2. Labelling waggons.
3. Movement of waggons by propping and tow roping.
4. Steam or other power brakes on engines.
5. Lighting of stations or sidings where shunting operations are frequently carried on after dark.
6. Protection of point rods and signal wires, and position of ground levers working points.
7. Position of offices and cabins near working lines.
8. Marking of fouling points.
9. Construction and protection of gauge glasses.
10. Arrangement of tool boxes and water gauges on engines.
11. Working of trains without brake vans upon running lines beyond the limits of stations.
12. Protection to permanent way men when relaying or repairing permanent way.

CHAPTER 28.

[*Inebriates Amendment (Scotland) Act, 1900.*]

An Act to amend the Inebriates Acts, 1879 to 1899, for Scotland. [30th July 1900.]

CHAPTER 29.

[*London County Council Electors Qualification Act, 1900.*]

An Act to assimilate the County Council and Borough Council Franchise in London.

[30th July 1900.]

Be it enacted, &c.:

1. *Short title.*] This Act may be cited as the London County Council Electors Qualification Act, 1900.

2. *Amendment of law as to qualification of London county electors.*] A parochial elector shall be entitled to vote at the election of a county councillor for the administrative county of London in the same manner as a county elector, and subject to the same provisions.

3. *Definitions.*] In this Act, unless the context otherwise requires, the expression "county elector" means a person entitled to vote at the election of a county councillor, under the Local Government Act, 1888, and the expression "parochial elector" means a parochial elector within the meaning of the Local Government Act, 1894.

CHAPTER 30.

[*Beer Retailers' and Spirit Grocers' Retail Licences (Ireland) Act, 1900.*]

An Act to amend the Laws relating to Beer Retailers' and Spirit Grocers' Licences in Ireland. [30th July 1900.]

CHAPTER 31.

[*Isle of Man (Customs) Act, 1900.*]

An Act to amend the Law with respect to Customs Duties in the Isle of Man. [6th August 1900.]

CHAPTER 32.

[*Merchant Shipping (Liability of Shipowners and others) Act, 1900.*]

An Act to amend the Merchant Shipping Act,

1894, with respect to the Liability of Shipowners and others. [6th August 1900.]

Be it enacted, &c.:

1. *Further limitation of liability of shipowner.*] The limitation of the liability of the owners of any ship set by section five hundred and three of the Merchant Shipping Act, 1894 [57 & 58 Vict. c. 60], in respect of loss of or damage to vessels, goods, merchandise, or other things, shall extend and apply to all cases where (without their actual fault or privity) any loss or damage is caused to property or rights of any kind, whether on land or on water, or whether fixed or movable, by reason of the improper navigation or management of the ship.

2. *Limitation of liability of harbour conservancy authority.*] (1.) The owners of any dock or canal, or a harbour authority or a conservancy authority, as defined by the Merchant Shipping Act, 1894, shall not, where without their actual fault or privity any loss or damage is caused to any vessel or vessels, or to any goods, merchandise, or other things whatsoever on board any vessel or vessels, be liable to damages beyond an aggregate amount not exceeding eight pounds for each ton of the tonnage of the largest registered British ship which, at the time of such loss or damage occurring is, or within the period of five years previous thereto has been, within the area over which such dock or canal owner, harbour authority, or conservancy authority, performs any duty or exercises any power. A ship shall not be deemed to have been within the area over which a harbour authority or a conservancy authority performs any duty, or exercises any powers, by reason only that it has been built or fitted out within such area, or that it has taken shelter within or passed through such area on a voyage between two places both situate outside that area, or that it has loaded or unloaded mails or passengers within that area.

(2.) For the purpose of this section the tonnage of ships shall be ascertained as provided by section five hundred and three, subsection two, of the Merchant Shipping Act, 1894, and the register of any ship shall be sufficient evidence that the gross tonnage and the deductions therefrom and the registered tonnage are as therein stated.

(3.) Section five hundred and four of the Merchant Shipping Act, 1894, shall apply to this section as if the words "owner of a British or foreign ship" included a harbour authority and a conservancy authority, and the owner of a canal or of a dock.

(4.) For the purpose of this section the term "dock" shall include wet docks and basins, tidal docks and basins, locks, cuts, entrances, dry docks, graving docks, griddions, slips, quays, wharves, piers, stages, landing-places, and jetties.

(5.) For the purposes of this section the term "owners of a dock or canal" shall include any person or authority having the control and management of any dock or canal, as the case may be.

(6.) Nothing in this section shall impose any liability in respect of any such loss or damage on any such owners or authority in any case where no such liability would have existed if this Act had not passed.

3. *Limitation of liability where several claims arise on one occasion.*] The limitation of liability under this Act shall relate to the whole of any losses and damages which may arise upon any one distinct occasion, although such losses and damages may be sustained by more than one person, and shall apply whether the liability arises at common law or under any general or private Act of Parliament, and notwithstanding anything contained in such Act.

4. *Short title.*] This Act may be cited as the Merchant Shipping (Liability of Shipowners and others) Act, 1900.

5. *Construction.*] This Act shall be construed as one with the Merchant Shipping Act, 1894 [57 & 58 Vict. c. 60], and that Act and the Merchant Shipping Act, 1897 [60 & 61 Vict. c. 59], the Merchant Shipping (Exemption from Pilotage) Act, 1897 [60 & 61 Vict. c. 61], the Merchant Shipping (Liability of Shipowners) Act, 1898 [61 & 62 Vict. c. 14], the Merchant Shipping (Mercantile Marine Fund) Act, 1898 [61 & 62 Vict. c. 44], and

this Act, may be cited together as the Merchant Shipping Acts, 1894 to 1900.

CHAPTER 33.

[*Wild Animals in Captivity Protection Act, 1900.*]

An Act for the Prevention of Cruelty to Wild Animals in Captivity. [6th August 1900.]

Be it enacted, &c.:

1. *Definition of "animal."*] The word "animal" in this Act means any bird, beast, fish, or reptile which is not included in the Cruelty to Animals Acts, 1849 [12 & 13 Vict. c. 92] and 1854 [17 & 18 Vict. c. 39].

2. *Cruelty to captive animals.*] Any person shall be guilty of an offence who, whilst an animal is in captivity or close confinement, or is maimed, pinioned, or subjected to any appliance or contrivance for the purpose of hindering or preventing its escape from such captivity or confinement, shall, by wantonly or unreasonably doing or omitting any act,—

cause or permit to be caused any unnecessary suffering to such animal; or

cruelly abuse, infuriate, tease, or terrify it, or

permit it to be so treated.

3. *Penalty.*] Any person committing an offence may be proceeded against under the Summary Jurisdiction Acts, and on conviction shall for every such offence be liable to imprisonment with or without hard labour for not exceeding three months, or a fine not exceeding five pounds, and, in default of payment, to imprisonment with or without hard labour.

4. *Limit of Act.*] This Act shall not apply to any act done or any omission in the course of destroying or preparing any animal for destruction as food for mankind nor to any act permitted by the Cruelty to Animals Act, 1876 [39 & 40 Vict. c. 77], nor to the hunting or coursing of any animal which has not been liberated in a mutilated or injured state in order to facilitate its capture or destruction.

5. This Act shall not extend to Scotland.

6. *Short title.*] This Act may be cited for all purposes as the Wild Animals in Captivity Protection Act, 1900.

CHAPTER 34.

[*Ancient Monuments Protection Act, 1900.*]

An Act to amend the Ancient Monuments Protection Act, 1882. [6th August 1900.]

Be it enacted, &c.:

1. *Power to Commissioners of Works to become guardians of monuments.*] Where the Commissioners of Works are of opinion that the preservation of any monument is a matter of public interest by reason of the historic, traditional, or artistic interest attaching thereto, they may, at the request of the owner, consent to become the guardians thereof; and thereupon the Ancient Monuments Protection Act, 1882 [45 & 46 Vict. c. 73], shall apply to such monument as if the same were an ancient monument to which that Act applies as defined in that Act.

Provided that this Act shall not authorise the Commissioners of Works to consent to become the guardians of any structure which is occupied as a dwelling-place by any person other than a person employed as a caretaker thereof, and his family.

2. *Power to county council to purchase and preserve monuments.*] (1.) The council of any county, if they think fit, may purchase by agreement any monument situate in such county or in any adjacent county, and may, at the request of the owner, consent to become the guardians of any such monument, and many undertake or contribute towards the cost of preserving, maintaining, and managing any such monument, whether they have purchased the same or become the guardians thereof or not.

(2.) The powers conferred by the Ancient Monuments Protection Act, 1882, upon the owners of ancient monuments, and the incorporation by that Act of the Lands Clauses Acts for the purpose of a purchase by agreement, shall have effect in relation to a county council and to any monument

as defined by this Act, and section six of the Ancient Monuments Protection Act, 1882 (which relates to penalties for injury to ancient monuments), shall apply to any monument (as so defined) of which a county council are owners or guardians.

3. Power to receive voluntary contributions for maintenance of monuments.] The Commissioners of Works or any county council may receive voluntary contributions towards the cost of maintenance and preservation of any monument of which they may become the guardians or purchasers under the provisions of the Ancient Monuments Act, 1882, or this Act, and may enter into any agreement with the owner of such monument or with any other person as to such maintenance and preservation and the cost thereof.

4. Transfer of monuments between county council and Commissioners of Works.] The Commissioners of Works and the council of any county may, in respect of any monument in the county or in any adjacent county of which they are the owners or guardians, but where they are guardians only then with the consent of the owners, enter into and carry into effect any agreements for the transfer from the Commissioners of Works to the council, or from the council to the Commissioners of Works, of such monument, or of any estate or interest therein, or of the guardianship thereof.

5. Public to have access to monuments.] The public shall have access to any monument of which the Commissioners of Works or any county council are the owners or guardians, but where they are guardians only with the consent of the owner of the monument, at such times and under such regulations as the Commissioners or council shall prescribe.

6. Construction and definition.] (1.) In this Act the expression "monument" means any structure, erection, or monument of historic or architectural interest, or any remains thereof.

(2.) This Act shall be construed as one with the Ancient Monuments Protection Act, 1882.

(3.) In the application of this Act to Scotland a reference to the council of any county shall be

construed as a reference to any county council within the meaning of the Local Government (Scotland) Act, 1889 [52 & 53 Vict. c. 50].

7. Extent of Act.] This Act shall not apply to Ireland.

8. Short title.] This Act may be cited as the Ancient Monuments Protection Act, 1900, and may be cited with the Ancient Monuments Protection Acts, 1882 and 1892.

CHAPTER 35.

[Oil in Tobacco Act, 1900.]

An Act to restrict the amount of Oil in manufactured Tobacco. [6th August 1900.]

Be it enacted, &c.:

1. Limitation of quantity of oil in tobacco.] (1.) If any manufacturer of tobacco has in his custody or possession fit for sale or tenders for drawback, or if any dealer in or retailer of tobacco has in his custody or possession, any tobacco containing a greater proportion of oil than four per cent. he shall incur an excise penalty of fifty pounds and the tobacco shall be forfeited.

(2.) In calculating the proportion of oil for the purpose of this section any fatty or oily substance which is naturally present in the tobacco shall be included as oil.

(3.) In this section the expression "fit for sale" has the meaning assigned to it by section four of the Customs and Inland Revenue Act, 1887 [50 & 51 Vict. c. 15].

2. Short title.] This Act may be cited as the Oil in Tobacco Act, 1900.

CHAPTER 36.

[Public Works Loans Act, 1900.]

An Act to grant Money for the purpose of certain Local Loans out of the Local Loans Fund, and for other purposes relating to Local Loans. [6th August 1900.]

SCHEDULE.

PART I.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(1.) 5 & 6 Will. 4, c. 27	The Linen Manufactures (Ireland) Act, 1835	The whole Act	3 & 4 Vict. c. 91. 5 & 6 Vict. c. 68. 7 & 8 Vict. c. 47. 30 & 31 Vict. c. 60.
(2.) 3 & 4 Vict. c. 89	The Poor Rate Exemption Act, 1840	The whole Act	—
(3.) 4 & 5 Vict. c. 30	The Ordnance Survey Act, 1841	The whole Act	33 Vict. c. 13. 47 & 48 Vict. c. 43. 52 & 53 Vict. c. 30.
(4.) 10 & 11 Vict. c. 98	The Ecclesiastical Jurisdiction Act, 1847	As to the provisions continued by 21 & 22 Vict. c. 50.	—
(5.) 14 & 15 Vict. c. 104	The Episcopal and Capitular Estates Act, 1851	The whole Act	17 & 18 Vict. c. 116. 21 & 22 Vict. c. 94. 22 & 23 Vict. c. 46. 23 & 24 Vict. c. 124. 31 & 32 Vict. c. 114, s. 10.
(6.) 17 & 18 Vict. c. 102	The Corrupt Practices Prevention Act, 1854	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	26 & 27 Vict. c. 29, s. 6. 31 & 32 Vict. c. 125. 46 & 47 Vict. c. 51.
(7.) 23 & 24 Vict. c. 19	The Labourers (Ireland) Act, 1860	The whole Act	—
(8.) 24 & 25 Vict. c. 109	The Salmon Fishery Act, 1861	As to the appointment of inspectors, s. 31.	49 & 50 Vict. c. 39, s. 3. 55 & 56 Vict. c. 50.
(9.) 26 & 27 Vict. c. 105	The Promissory Notes Act, 1863	The whole Act	45 & 46 Vict. c. 61.
(10.) 27 & 28 Vict. c. 20	The Promissory Notes (Ireland) Act, 1864	The whole Act	—
(11.) 28 & 29 Vict. c. 46	The Militia (Ballot Suspension) Act, 1865	The whole Act	45 & 46 Vict. c. 49.

CHAPTER 37.

[Expiring Laws Continuance Act, 1900.]

An Act to continue various Expiring Laws. [6th August 1900.]

Whereas the Acts mentioned in Part I. of the Schedule to this Act are, in so far as they are in force and are temporary in their duration, limited to expire on the 31st day of December one thousand nine hundred:

And whereas the Act mentioned in Part II. of the Schedule to this Act is, to the extent aforesaid, limited to expire on the 31st day of March one thousand nine hundred and one:

And whereas it is expedient to provide for the continuance as in this Act mentioned of those Acts, and of the enactments amending or affecting the same:

Be it therefore enacted, &c.:

1. Continuance of Acts in Schedule.] (1.) The Acts mentioned in Part I. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of December one thousand nine hundred and one, and shall then expire, unless farther continued.

(2.) The Act mentioned in Part II. of the Schedule to this Act shall, to the extent specified in column three of that Schedule, be continued until the thirty-first day of March one thousand nine hundred and two, and shall then expire, unless further continued.

(3.) Any unrepealed enactments amending or affecting the enactments continued by this Act shall, in so far as they are temporary in their duration, be continued in like manner, whether they are mentioned in the Schedule to this Act or not.

2. Short title.] This Act may be cited as the Expiring Laws Continuance Act, 1900.

1. Session and Chapter.	2. Short Title.	3. How far continued.	4. Amending Acts.
(12.) 28 & 29 Vict. c. 83 . . .	The Locomotives Act, 1865	The whole Act	41 & 42 Vict. c. 58. 41 & 42 Vict. c. 77 (Part II.) 59 & 60 Vict. c. 36. 61 & 62 Vict. c. 29.
(13.) 29 & 30 Vict. c. 52 . . .	The Prosecutions Expenses Act, 1866	The whole Act	—
(14.) 31 & 32 Vict. c. 125 . . .	The Parliamentary Elections Act, 1868	So much as is continued by the Corrupt and Illegal Practices Prevention Act, 1883.	42 & 43 Vict. c. 75. 46 & 47 Vict. c. 51.
(15.) 32 & 33 Vict. c. 21 . . .	The Corrupt Practices Commission Expenses Act, 1869	The whole Act	34 & 35 Vict. c. 61.
(16.) 33 & 34 Vict. c. 112 . . .	The Glebe Loan (Ireland) Act, 1870	The whole Act	34 & 35 Vict. c. 100. 49 Vict. c. 6.
(17.) 34 & 35 Vict. c. 87 . . .	The Sunday Observation Prosecution Act, 1871	The whole Act	—
(18.) 35 & 36 Vict. c. 33 . . .	The Ballot Act, 1872	The whole Act	45 & 46 Vict. c. 50. (Municipal Elections.)
(19.) 38 & 39 Vict. c. 84 . . .	The Parliamentary Elections (Returning Officers) Act, 1875.	The whole Act	46 & 47 Vict. c. 51, s. 32. 48 & 49 Vict. c. 62. 49 & 50 Vict. c. 57.
(20.) 39 & 40 Vict. c. 21 . . .	The Jurors Qualification (Ireland) Act, 1876	The whole Act	57 & 58 Vict. c. 49. 61 & 62 Vict. c. 37, s. 69.
(21.) 41 & 42 Vict. c. 41 . . .	The Parliamentary Elections, Returning Officers Ex- penses (Scotland) Act, 1878.	The whole Act	48 & 49 Vict. c. 62. 49 & 50 Vict. c. 58. 54 & 55 Vict. c. 49.
(22.) 41 & 42 Vict. c. 72 . . .	The Sale of Liquors on Sunday (Ireland) Act, 1878	The whole Act	—
(23.) 43 Vict. c. 18	The Parliamentary Elections and Corrupt Practices Act, 1880.	The whole Act	46 & 47 Vict. c. 51.
(24.) 43 & 44 Vict. c. 42 . . .	The Employers' Liability Act, 1880	The whole Act	—
(25.) 44 & 45 Vict. c. 5	The Peace Preservation (Ireland) Act, 1881	The whole Act	49 & 50 Vict. c. 24. 50 & 51 Vict. c. 20.
(26.) 46 & 47 Vict. c. 51 . . .	The Corrupt and Illegal Practices Prevention Act, 1883	The whole Act	58 & 59 Vict. c. 40.
(27.) 47 & 48 Vict. c. 70 . . .	The Municipal Elections (Corrupt and Illegal Practices) Act, 1884.	The whole Act	56 & 57 Vict. c. 73.
(28.) 49 & 50 Vict. c. 29 . . .	The Crofters Holdings (Scotland) Act, 1886	As to the powers of the Com- missioners for the enlarge- ment of holdings, s. 22.	50 & 51 Vict. c. 24. 51 & 52 Vict. c. 63. 54 & 55 Vict. c. 41.
(29.) 51 & 52 Vict. c. 55 . . .	The Sand Grouse Protection Act, 1888	The whole Act	—
(30.) 52 & 53 Vict. c. 40 . . .	The Welsh Intermediate Education Act, 1889	As to the powers of the joint education committee and the suspension of the powers of the Charity Commissioners.	53 & 54 Vict. c. 60.
(31.) 58 & 59 Vict. c. 21 . . .	The Seal Fisheries (North Pacific) Act, 1895	The whole Act	—
(32.) 59 Vict. c. 1	The Local Government (Elections) Act, 1896	The whole Act	—

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32 & 33 Vict. c. 56 . . .	The Endowed Schools Act, 1869	As to the powers of making schemes and as to the pay- ment of the salaries of additional Charity Com- missioners.	36 & 37 Vict. c. 87. 37 & 38 Vict. c. 87. 52 & 53 Vict. c. 40.
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CHAPTER 38.

[*Elementary School Teachers Superannuation
(Isle of Man) Act, 1900.*]

An Act to extend the Elementary School
Teachers (Superannuation) Act, 1898, to
Teachers serving in the Isle of Man, and to
service as a Teacher in that Island.
[6th August 1900.]

CHAPTER 39.

[*Volunteer Act, 1900.*]

An Act to amend the Volunteer Act, 1863.
[6th August 1900.]

Be it enacted, &c.

1. Amendment of 26 & 27 Vict. c. 65 as to calling
out volunteers for actual service.] The Volunteer Act,
1863, shall have effect as if in section seventeen for

the words "of actual or apprehended invasion
of any part of the United Kingdom," were
substituted the words "of imminent national
danger or of great emergency."

2. Power of volunteer to enter into special agreements
as to service.] (1.) It shall be lawful for Her
Majesty to accept the offer of any member of a
volunteer corps to subject himself to the liability to
be called out for actual military service at any time
for purposes of coast defence at such places in

Great Britain as may be specified in his agreement.

(2.) The Secretary of State may make regulations as to the calling out of persons whose offers have been accepted under this section, and for adapting the provisions of sections seventeen to twenty of the Volunteer Act, 1863, to the case of persons called out in pursuance of an agreement under this section.

3. *Repeal of 58 & 59 Vict. c. 23, s. 2.* Section two of the Volunteer Act, 1895, is hereby repealed.

4. *Short title.* This Act may be cited as the Volunteer Act, 1900.

CHAPTER 40.

[*Elementary School Teachers Superannuation (Jersey) Act, 1900.*]

An Act to extend the Elementary School Teachers (Superannuation) Act, 1898, to Teachers serving in the Island of Jersey, and to service as a Teacher in that Island.
[6th August 1900.]

CHAPTER 41.

[*Local Government (Ireland) (No. 2) Act, 1900.*]

An Act to provide for the alteration of the Local Government (Procedure of Councils) Order, 1899.
[6th August 1900.]

CHAPTER 42.

[*Reserve Forces Act, 1900.*]

An Act to amend the Reserve Forces Act, 1882.
[6th August 1900.]

Be it enacted, &c. :

1. *Amendment of 45 & 46 Vict. c. 48, s. 3, as to calling out on permanent service.* Men in the second division of the first class of the army reserve shall be liable to be called out on permanent service, notwithstanding that directions have not been given for calling out the whole of the first division on such service; and, accordingly, in section three of the Reserve Forces Act, 1882 [45 & 46 Vict. c. 48], the words "and in the event of such direction being given men in the second division shall not be liable to be called out on permanent service until directions have been given for calling out the whole of the first division on such service," shall be repealed.

Provided that this section shall not apply to a man who entered the said second division before the passing of this Act, except with his consent.

2. *Amendment of 45 & 46 Vict. c. 48, s. 10, as to rank of militia reservist on return to militia.* Sub-section four of section ten of the Reserve Forces Act, 1882, shall be subject to the following proviso :

Provided that—

- the rank of any such man shall not be lower than that to which he was entitled in the army immediately before he was released from permanent service; and
- if, whilst on permanent service his rank has been reduced below that to which he was entitled before being called out on permanent service, and continues below that rank until the time when he is released from permanent service, his rank in the militia shall be correspondingly reduced; and
- if, being of a rank above that of a private in the militia, he has served on permanent service as a private, and whilst so serving has been awarded any punishment which had he at the time held the rank which he held in the militia would have involved reduction to a lower rank, his rank in the militia on his being released from permanent service shall be reduced accordingly; and
- if under the foregoing provisions the rank of any such man in the militia is raised or reduced above or below that which he held before he entered on permanent service, his pay shall be correspondingly raised or reduced.

3. *Short title.* This Act may be cited as the Reserve Forces Act, 1900.

CHAPTER 43.

[*Intermediate Education (Ireland) Act, 1900.*]

An Act to amend the Law relating to Intermediate Education in Ireland.
[6th August 1900:]

CHAPTER 44.

[*Exportation of Arms Act, 1900.*]

An Act to amend the Law relating to the Exportation of Arms, Ammunition, and Military and Naval Stores.
[6th August 1900.]

Be it enacted, &c. :

1. *Power to prohibit exportation of arms, &c.* It shall be lawful for Her Majesty by proclamation to prohibit the exportation of all or any of the following articles, namely: Arms, ammunition, military and naval stores, and any article which Her Majesty shall judge capable of being converted into or made useful in increasing the quantity of arms, ammunition, or military or naval stores, to any country or place therein named, whenever Her Majesty shall judge such prohibition to be expedient in order to prevent such arms, ammunition, military or naval stores, being used against Her Majesty's subjects or forces, or against any forces engaged or which may be engaged in military or naval operations in co-operation with Her Majesty's forces.

2. *Construction and short title.* (1.) This Act shall be read as one with the Customs and Inland Revenue Act, 1879 [42 & 43 Vict. c. 21], and all the provisions of that Act, so far as they are applicable to the exportation of prohibited goods, shall apply as if they were embodied in this Act, and as if section one of this Act were part of section eight of that Act.

(2.) This Act may be cited as the Exportation of Arms Act, 1900.

CHAPTER 45.

[*Poor Relief (Ireland) Act, 1900.*]

An Act to amend the Poor Relief (Ireland) Acts, 1838 to 1892, with respect to relief given by the maintenance of Lunatics and Children, and with respect to the quantity of Land which may be acquired under those Acts.
[6th August 1900.]

CHAPTER 46.

[*Members of Local Authorities Relief Act, 1900.*]

An Act to relieve Members of County Councils and other Local Authorities from disqualification by reason of absence in certain cases.
[6th August 1900.]

Be it enacted, &c. :

1. *Short title.* This Act may be cited as the Members of Local Authorities Relief Act, 1900.

2. *Relief from disqualification by reason of absence in certain cases.* Notwithstanding anything contained in the Municipal Corporations Act, 1882 [45 & 46 Vict. c. 50], or in the Local Government Act, 1888 [51 & 52 Vict. c. 41] and 1894 [56 & 57 Vict. c. 73], or in the Local Government (Ireland) Act, 1898 [61 & 62 Vict. c. 37], or in any Order in Council thereunder, an officer or soldier of the auxiliary forces or of the reserve forces on active service, or on service beyond the seas, shall not by reason only of his absence on that service be disqualified or vacate his office as a member of any county or borough or district or parish council, or board of guardians, or incur any fine or other liability.

3. *Interpretation.* In this Act the expressions "soldier," "reserve forces," "auxiliary forces," "active service," and "beyond the seas," have the meanings respectively assigned to them by the Army Act [44 & 45 Vict. c. 58].

CHAPTER 47.

[*County Courts (Investment) Act, 1900.*]

An Act to amend the Law with regard to the Investment of Money paid into a County Court.
[8th August 1900.]

Be it enacted, &c. :

1. *Extension of 51 & 52 Vict. c. 43, s. 71 to all proceedings.* (1.) The provisions of section seventy-one of the County Courts Act, 1888, shall extend to all money paid into a county court (whether before or after the passing of this Act) in any proceeding, and ordered by the judge to be invested for the benefit of any infant or person of unsound mind.

(2.) Nothing in this Act shall affect the provisions of the Workmen's Compensation Act, 1897 [60 & 61 Vict. c. 37], with regard to the investment of money agreed or ordered to be invested under that Act in the name of the registrar.

2. *Short title.* This Act may be cited as the County Courts (Investment) Act, 1900.

CHAPTER 48.

[*Companies Act, 1900.*]

An Act to amend the Companies Acts.
[8th August 1900.]

Be it enacted, &c.

Incorporation and Objects.

1. *Conclusiveness of certificate of incorporation.* (1.) A certificate of incorporation given by the registrar in respect of any association shall be conclusive evidence that all the requisitions of the Companies Acts in respect of registration and of matters precedent and incidental thereto have been complied with, and that the association is a company authorised to be registered and duly registered under the Companies Acts.

(2.) A statutory declaration by a solicitor of the High Court engaged in the formation of the company or by a person named in the articles of association as a director or secretary of the company of compliance with all or any of the said requisitions shall be produced to the registrar, and the registrar may accept this declaration as sufficient evidence of such compliance.

(3.) The incorporation of a company shall take effect from the date of incorporation mentioned in the certificate of incorporation.

(4.) This section applies to all certificates of incorporation, whether given before or after the passing of this Act.

Appointment and Qualification of Director.

2. *Restrictions on appointment or advertisement of director.* (1.) A person shall not be capable of being appointed director of a company by the articles of association, and shall not be named as a director or proposed director of a company in any prospectus issued by or on behalf of the company, unless before the registration of the articles or the publication of the prospectus, as the case may be, he has by himself or by his agent authorised in writing—

- signed and filed with the registrar a consent in writing to act as such director; and
- either signed the memorandum of association for a number of shares not less than his qualification (if any), or signed and filed with the registrar a contract in writing to take from the company and pay for his qualification shares (if any).

(2.) On the application for registration of the memorandum and articles of association of a company, the applicant shall deliver to the registrar a list of the persons who have consented to be directors of the company, and if this list contains the name of any person who has not so consented the applicant shall be liable to a fine not exceeding fifty pounds.

(3.) Provided that this section shall not apply to a company registered before the commencement of this Act, or to a company which does not issue any invitation to the public to subscribe for its shares, or to a prospectus issued by or on behalf of a company after the expiration of one year from the date at which the company is entitled to commence business.

3. Qualification of director.] (1.) Without prejudice to the restrictions imposed by the last foregoing section, it shall be the duty of every director who is by the regulations of the company required to hold a specified share qualification, and who is not already qualified, to obtain his qualification within two months after his appointment, or such shorter time as may be fixed by the regulations of the company.

(2.) The office of director of a company shall be vacated, if the director does not within two months from the date of his appointment, or within such shorter time as may be fixed by the regulations of the company, obtain his qualification, or if after the expiration of such period or shorter time he ceases at any time to hold his qualification; and a person vacating office under this section shall be incapable of being re-appointed director of the company until he has obtained his qualification.

(3.) If after the expiration of the said period or shorter time any unqualified person acts as director of a company, he shall be liable to pay to the company the sum of five pounds for every day during which he so acts.

Allotment.

4. Restriction as to allotment.] (1.) No allotment shall be made of any share capital of a company offered to the public for subscription, unless the following conditions have been complied with, namely,—

(a) the amount (if any) fixed by the memorandum or articles of association and named in the prospectus as the minimum subscription upon which the directors may proceed to allotment; or

(b) if no amount is so fixed and named, then the whole amount of the share capital so offered for subscription,

has been subscribed, and the sum payable on application for the amount so fixed and named, or for the whole amount offered for subscription, has been paid to and received by the company.

(2.) The amount so fixed and named and the whole amount aforesaid shall be reckoned exclusively of any amount payable otherwise than in cash, and is in this Act referred to as the minimum subscription.

(3.) The amount payable on application on each share shall not be less than 5 per cent. of the nominal amount of the share.

(4.) If the conditions aforesaid have not been complied with on the expiration of forty days after the first issue of the prospectus, all money received from applicants for shares shall be forthwith repaid to the applicants without interest, and, if any such money is not so repaid within forty-eight days after the issue of the prospectus, the directors of the company shall be jointly and severally liable to repay that money with interest at the rate of five per centum per annum from the expiration of the forty-eight days: Provided that a director shall not be liable if he proves that the loss of the money was not due to any misconduct or negligence on his part.

(5.) Any condition requiring or binding any applicant for shares to waive compliance with any requirement of this section shall be void.

(6.) This section, except sub-section (3) thereof, shall not apply to any allotment of shares subsequent to the first allotment of shares offered to the public for subscription.

5. Effect of irregular allotment.] (1.) An allotment made by a company to an applicant in contravention of the foregoing provisions of this Act shall be voidable at the instance of the applicant within one month after the holding of the statutory meeting of the company and not later, and shall be so voidable notwithstanding that the company is in course of being wound up.

(2.) If any director of a company knowingly contravenes or permits or authorises the contravention of any of the foregoing provisions of this Act with respect to allotment he shall be liable to compensate the company and the allottees respectively for any loss, damages, or costs which the company or allottee may have sustained or incurred thereby: Provided that proceedings to recover such loss, damages, or costs shall not be commenced after the expiration of two years from the date of the allotment.

6. Restrictions on commencement of business.] (1.)

A company shall not commence any business or exercise any borrowing powers unless—

(a) shares held subject to the payment of the whole amount thereof in cash have been allotted to an amount not less in the whole than the minimum subscription; and

(b) every director of the company has paid to the company on each of the shares taken or contracted to be taken by him, and for which he is liable to pay in cash, a proportion equal to the proportion payable on application and allotment on the shares offered for public subscription; and

(c) there has been filed with the registrar a statutory declaration by the secretary or one of the directors, in the prescribed form, that the aforesaid conditions have been complied with.

(2.) The registrar shall, on the filing of this statutory declaration, certify that the company is entitled to commence business, and that certificate shall be conclusive evidence that the company is so entitled.

(3.) Any contract made by a company before the date at which it is entitled to commence business shall be provisional only, and shall not be binding on the company until that date, and on that date it shall become binding.

(4.) Nothing in this section shall prevent the simultaneous offer for subscription of any shares and debentures on the receipt of any application.

(5.) If any company commences business or exercises borrowing powers in contravention of this section, every person who is responsible for the contravention shall, without prejudice to any other liability, be liable to a fine not exceeding fifty pounds for every day during which the contravention continues.

(6.) Nothing in this section shall apply to a company registered before the commencement of this Act.

(7.) This section shall not apply to any company where there is no invitation to the public to subscribe for its shares.

7. Return as to allotments.] (1.) Whenever a company limited by shares makes any allotment of its shares, the company shall within one month thereafter file the registrar—

(a) a return of the allotments, stating the number and nominal amount of the shares comprised in the allotment, the names, addresses, and descriptions of the allottees, and the amount (if any) paid or due and payable on each share; and

(b) in the case of shares allotted in whole or in part for a consideration other than cash, a contract in writing constituting the title of the allottee to such allotment, together with any contract of sale, or for services or other consideration in respect of which such allotment was made, such contracts being duly stamped, and a return stating the number and nominal amount of shares so allotted, the extent to which they are to be treated as paid up, and the consideration for which they have been allotted.

(2.) If default is made in complying with the requirements of this section, every director, manager, secretary, or other officer of the company, who is knowingly a party to the default, shall be liable to a fine not exceeding fifty pounds for every day during which the default continues.

8. Commissions, discounts, &c.] (1.) Upon any offer of shares to the public for subscription, it shall be lawful for a company to pay a commission to any person in consideration of his subscribing or agreeing to subscribe, whether absolutely or conditionally, for any shares in the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, if the payment of the commission and the amount or rate per cent. of the commission paid or agreed to be paid are respectively authorised by the articles of association and disclosed in the prospectus, and the commission paid or agreed to be paid does not exceed the amount or rate so authorised.

(2.) Save as aforesaid no company shall apply any of its shares or capital money either directly or indirectly in payment of any commission, discount, or allowance, to any person in consideration of his subscribing or agreeing to subscribe, whether

absolutely or conditionally, for any shares of the company, or procuring or agreeing to procure subscriptions, whether absolute or conditional, for any shares in the company, whether the shares or money be so applied by being added to the purchase money of any property acquired by the company or to the contract price of any work to be executed for the company, or the money be paid out of the nominal purchase money or contract price, or otherwise.

(3.) But nothing in this section shall affect the power of any company to pay such brokerage as it has heretofore been lawful for a company to pay.

Prospectus.

9. Filing of prospectus.] (1.) Every prospectus issued by or on behalf of a company or in relation to any intended company shall be dated, and that date shall, unless the contrary be proved, be taken as the date of publication of the prospectus.

(2.) A copy of every such prospectus shall be signed by every person who is named therein as a director or proposed director of the company, or by his agent authorised in writing, and shall be filed with the registrar on or before the date of its publication.

(3.) The registrar shall not register any prospectus unless it is so dated and signed. No prospectus shall be issued until so filed for registration, and every prospectus shall state on the face of it that it has been so filed.

10. Specific requirements as to particulars of prospectus.] (1.) Every prospectus issued by or on behalf of a company, or by or on behalf of any person who is or has been engaged or interested in the formation of the company, must state—

(a) the contents of the memorandum of association, with the names, descriptions, and addresses of the signatories, and the number of shares subscribed for by them respectively; and the number of founders or management shares, if any, and the nature and extent of the interest of the holders in the property and profits of the company; and

(b) the number of shares, if any, fixed by the articles of association as the qualification of a director, and any provision in the articles of association as to the remuneration of the directors; and

(c) the names descriptions and addresses of the directors or proposed directors; and

(d) the minimum subscription on which the directors may proceed to allotment, and the amount payable on application and allotment on each share; and in the case of a second or subsequent offer of shares, the amount offered for subscription on each previous allotment, and the amount actually allotted; and the amount, if any, paid on such shares; and

(e) the number and amount of shares and debentures issued, or agreed to be issued, as fully or partly paid up otherwise than in cash, and in the latter case the extent to which they are so paid up, and in either case the consideration for which such shares or debentures have been issued or are proposed or intended to be issued; and

(f) the names and addresses of the vendors of any property purchased or acquired by the company, or proposed so to be purchased or acquired, which is to be paid for wholly or partly out of the proceeds of the issue offered for subscription by the prospectus, or the purchase or acquisition of which has not been completed at the date of publication of the prospectus, and the amount payable in cash, shares, or debentures, to the vendor, and where there is more than one separate vendor, or the company is a sub-purchaser, the amount so payable to each vendor; and

(g) the amount (if any) paid or payable as purchase money in cash, shares, or debentures, of any such property as aforesaid, specifying the amount payable for good-will; and

(h) the amount (if any) paid or payable as commission for subscribing or agreeing to subscribe, or procuring or agreeing to procure subscriptions, for any shares in the company, or the rate of any such commission; and

(i) the amount or estimated amount of preliminary expenses; and

(j) the amount paid or intended to be paid to

any promoter and the consideration for any such payment; and

(k) the dates of and parties to every material contract, and a reasonable time and place at which any material contract or a copy thereof may be inspected: Provided that this requirement shall not apply to a contract entered into in the ordinary course of the business carried on or intended to be carried on by the company, or to any contract entered into more than three years before the date of publication of the prospectus; and

(l) the names and addresses of the auditors (if any) of the company; and

(m) full particulars of the nature and extent of the interest (if any) of every director in the promotion of or in the property proposed to be acquired by the company, with a statement of all sums paid or agreed to be paid to him in cash or shares by any person either to qualify him as a director or otherwise for services rendered by him in connection with the formation of the company.

(2.) For the purposes of this section every person shall be deemed to be a vendor who has entered into any contract, absolute or conditional, for the sale or purchase, or for any option of purchase, of any property to be acquired by the company, in any case where—

(a) the purchase money is not fully paid at the date of publication of the prospectus; or

(b) the purchase money is to be paid or satisfied wholly or in part out of the proceeds of the issue offered for subscription by the prospectus; or

(c) the contract depends for its validity or fulfilment on the result of such issue.

(3.) Where any of the property to be acquired by the company is to be taken on lease, this section shall apply as if the expression "vendor" included the lessor, and the expression "purchase money" included the consideration for the lease, and the expression "sub-purchaser" included a sub-lessee.

(4.) This section shall not apply to a circular or notice inviting existing members or debenture holders of a company to subscribe for further shares or debentures, but, subject as aforesaid, this section shall apply to any prospectus whether issued on or with reference to the formation of a company or subsequently: Provided that—

(a) the requirements as to the memorandum of association, and the qualification, remuneration, and interest of directors, the names, descriptions, and addresses of directors or proposed directors, and the amount or estimated amount of preliminary expenses, shall not apply in the case of a prospectus published more than one year after the date at which the company is entitled to commence business; and

(b) in the case of a prospectus published more than one year after the date at which the company is entitled to commence business, the obligation to disclose all material contracts shall be limited to a period of two years immediately preceding the publication of the prospectus.

(5.) Any condition requiring or binding any applicant for shares or debentures to waive compliance with any requirement of this section, or purporting to affect him with notice of any contract, document, or matter not specifically referred to in the prospectus, shall be void.

(6.) Where any such prospectus as is mentioned in this section is published as a newspaper advertisement, it shall not be necessary to specify the contents of the memorandum of association or the signatories thereto, and the number of shares subscribed for by them.

(7.) In the event of non-compliance with any of the requirements of this section, a director or other person responsible for the prospectus shall not incur any liability by reason of the non-compliance, if he prove that—

(a) as regards any matter not disclosed, he was not cognisant thereof; or

(b) the non-compliance arose from an honest mistake of fact on his part.

Provided that in the event of non-compliance with the requirements contained in paragraph (m) of sub-section (1) of this section no director or other person shall incur any liability in respect of

such non-compliance unless it be proved that he had knowledge of the matters not disclosed.

(8.) Nothing in this section shall limit or diminish any liability which any person may incur under the general law apart from this section.

11. *Restriction on alteration of terms mentioned in prospectus.*—A company shall not prior to the statutory meeting vary the terms of a contract referred to in the prospectus, except subject to the approval of the statutory meeting.

Statutory Meeting.

12. *First statutory meeting of company.*—(1.) Every company limited by shares and registered after the commencement of this Act shall, within a period of not less than one month nor more than three months from the date at which the company is entitled to commence business, hold a general meeting of the members of the company, which shall be called the statutory meeting.

(2.) The directors shall, at least seven days before the day on which the meeting is held, forward to every member of the company a report certified by not less than two directors of the company, or, where there are less than two directors, by the sole director and manager, stating:—

(a) the total number of shares allotted, distinguishing shares allotted as fully or partly paid up otherwise than in cash, and stating in the case of shares partly paid up the extent to which they are so paid up, and in either case the consideration for which they have been allotted;

(b) the total amount of cash received by the company in respect of such shares, distinguished as aforesaid;

(c) an abstract of the receipts and payments of the company on capital account to the date of the report, and an account or estimate of the preliminary expenses of the company;

(d) the names, addresses, and descriptions of the directors, auditors (if any), manager (if any), and secretary of the company; and

(e) the particulars of any contract, the modification of which is to be submitted to the meeting for its approval, together with the particulars of the modification or proposed modification.

(3.) The report shall, so far as it relates to the shares allotted by the company, and to the cash received in respect of such shares, and to the receipts and payments of the company on capital account, be certified as correct by the auditors, if any, of the company.

(4.) The directors shall cause a copy of the report, certified as by this section required, to be filed with the registrar forthwith after the sending thereof to the members of the company.

(5.) The directors shall cause a list showing the names, descriptions, and addresses of the members of the company, and the number of shares held by them respectively, to be produced at the commencement of the meeting, and to remain open and accessible to any member of the company during the continuance of the meeting.

(6.) The members of the company present at the meeting shall be at liberty to discuss any matter relating to the formation of the company, or arising out of the report, whether previous notice has been given or not, but no resolution of which notice has not been given in accordance with the articles of association may be passed.

(7.) The meeting may adjourn from time to time, and at any such adjourned meeting any resolution of which notice has been given in accordance with the articles of association, either before or subsequently to the former meeting, may be passed, and the adjourned meeting shall have the same powers as an original meeting.

(8.) If default is made in filing such report as aforesaid or in holding the statutory meeting, then, at the expiration of fourteen days after the last day on which the meeting ought to have been held, any shareholder may petition the court for the winding up of the company, and upon the hearing of the petition the court may either direct that the company be wound up, or give directions for the report being filed or a meeting being held, or make such other order as may be just, and may order that the costs of the petition be paid by any persons who in the opinion of the court are responsible for the default.

13. *Extraordinary general meeting.*—(1.) Notwithstanding anything in any regulations of a company, the directors of a company shall, on the requisition of the holders of not less than one-tenth of the issued capital of the company upon which all calls or other sums then due have been paid, forthwith proceed to convene an extraordinary general meeting of the company.

(2.) The requisition must state the objects of the meeting, and must be signed by the requisitionists and deposited at the office of the company, and may consist of several documents in like form each signed by one or more requisitionists.

(3.) If the directors of the company do not proceed to cause a meeting to be held within twenty-one days from the date of the requisition being so deposited, the requisitionists, or a majority of them in value, may themselves convene the meeting, but any meeting so convened shall not be held after three months from the date of such deposit.

(4.) If at any such meeting a resolution requiring confirmation at another meeting is passed, the directors shall forthwith convene a further extraordinary general meeting for the purpose of considering the resolution, and, if thought fit, of confirming it as a special resolution; and, if the directors do not convene the meeting within seven days from the date of the passing of the first resolution, the requisitionists, or a majority of them in value, may themselves convene the meeting.

(5.) Any meeting convened under this section by the requisitionists shall be convened in the same manner, as nearly as possible, as that in which meetings are to be convened by directors.

Mortgages and Charges.

14. *Registration of mortgages and charges.*—(1.) Every mortgage or charge created by a company after the commencement of this Act and being either—

(a) a mortgage or charge for the purpose of securing any issue of debentures; or

(b) a mortgage or charge on uncalled capital of the company; or

(c) a mortgage or charge created or evidenced by an instrument which, if executed by an individual, would require registration as a bill of sale; or

(d) a floating charge on the undertaking or property of the company,

shall, so far as any security on the company's property or undertaking is thereby conferred, be void against the liquidator and any creditor of the company, unless filed with the registrar for registration in manner required by this Act within twenty-one days after the date of its creation, but without prejudice to any contract or obligation for repayment of the money thereby secured.

(2.) Where the mortgage or charge comprises property outside the United Kingdom, it shall, so far as that property is concerned, be sufficient compliance with the requirements of this section, if a deed purporting to specifically charge such property be registered notwithstanding that further proceedings may be necessary to make such mortgage or charge valid or effectual according to the law of the country in which such property is situate.

(3.) The registrar shall keep, with respect to each company, a register in the prescribed form of all such mortgages and charges created by the company after the commencement of this Act, and requiring registration under this section, and shall, on payment of the prescribed fee, enter in the register, with respect to every such mortgage or charge, the date of creation, the amount secured by it, short particulars of the property mortgaged or charged, and the names of the mortgagees or persons entitled to the charge.

(4.) Provided that where a series of debentures containing any charge to the benefit of which the debenture holders of that series are entitled *pari passu* is created by a company, it shall be sufficient to enter on the register—

(a) the total amount secured by the whole series; and

(b) the dates of the resolutions creating the series and of the covering deed, if any, by which the security is created or defined; and

(c) a general description of the property charged; and

(d) the names of the trustees, if any, for the debenture holders.

(5.) Where more than one issue is made of debentures in the same series, the company may require the registrar to enter on the register the date and amount of any particular issue, but an omission to do this shall not affect the validity of the debentures issued.

(6.) The registrar shall give a certificate under his hand of the registration of any mortgage or charge registered in pursuance of this section, stating the amount thereby secured (which certificate shall be conclusive evidence that the requirements of this section as to registration have been complied with), and the company shall cause a copy of the certificate so given to be endorsed on every debenture or certificate of debenture stock which is issued by the company, and the payment of which is secured by the mortgage or charge so registered.

(7.) It shall be the duty of the company to register every mortgage or charge created by the company and requiring registration under this section, and for that purpose to supply the registrar with the particulars required for registration; but any such mortgage or charge may be registered on the application of any person interested therein.

(8.) The register kept, in pursuance of this section, of the mortgages and charges of each company shall be open to inspection by any person on payment of the prescribed fee, not exceeding one shilling for each inspection.

(9.) Every company shall cause a copy of every instrument creating any mortgage or charge requiring registration under this section to be kept at this registered office of the company, and to be open to inspection by the members and creditors of the company on payment of such fee, not exceeding one shilling for each inspection, as may be fixed by the regulations of the company. Provided that in the case of a series of uniform debentures a copy of one such debenture shall be sufficient.

15. *Rectification of register.*] A judge of the High Court, on being satisfied that the omission to register a mortgage or charge within the time required by this Act, or the omission or misstatement of any particular with respect to any such mortgage or charge, was accidental, or due to inadvertence or to some other sufficient cause, or is not of a nature to prejudice the position of creditors or shareholders of the company, or that on other grounds it is just and equitable to grant relief may, on the application of the company or any person interested, and on such terms and conditions as seem to the judge just and expedient, order that the time for registration be extended, or, as the case may be, that the omission or misstatement be rectified.

16. *Entry of satisfaction.*] The registrar may, on evidence being given to his satisfaction that the debt for which any registered mortgage or charge was given has been paid or satisfied, order that a memorandum of satisfaction be entered on the register, and shall if required furnish the company with a copy thereof.

17. *Index to registers of mortgages and charges.*] The registrar shall keep a chronological index, in the prescribed form and with the prescribed particulars, to the mortgages or charges registered under this Act.

18. *Penalties.*] If any company makes default in complying with the requirements of this Act as to the registration of any mortgage or charge created by the company, the company and every director, manager, and other officer of the company who knowingly and wilfully authorised or permitted such default shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding one hundred pounds; and if any person knowingly and wilfully authorises or permits the delivery of any debenture or certificate of debenture stock required by this Act to be registered without a copy of the certificate of the registrar being endorsed upon it, he shall, without prejudice to any other liability, be liable on summary conviction to a fine not exceeding one hundred pounds.

Annual Summary.

19. *Annual summary.*] (1.) The summary men-

tioned in section twenty-six of the Companies Act, 1862 [25 & 26 Vict. c. 89], shall be so framed as to distinguish between the shares issued for cash and the shares issued otherwise than for cash or only partly for cash, and shall, in addition to the particulars required by that section to be specified, also specify—

(a) the total amount of debt due from the company in respect of all mortgages and charges which require registration under this Act, or which would require such registration if created after the commencement of this Act; and

(b) the names and addresses of the persons who are the directors of the company at the date of the summary.

(2.) The list and summary mentioned in the said section twenty-six must be signed by the manager or by the secretary of the company.

20. *Amendment of 25 & 26 Vict. c. 89, ss. 45, 46.*] Sections forty-five and forty-six of the Companies Act, 1862, shall apply to companies having a capital divided into shares, and the words "and not having a capital divided into shares" in those sections shall be repealed.

Audit.

21. *Appointment of auditors.*] (1.) Every company shall at each annual general meeting appoint an auditor or auditors to hold office until the next annual general meeting.

(2.) If an appointment of auditors is not made at an annual general meeting, the Board of Trade may, on the application of any member of the company, appoint an auditor of the company for the current year, and fix the remuneration to be paid to him by the company for his services.

(3.) A director or officer of the company shall not be capable of being appointed auditor of the company.

(4.) The first auditors of the company may be appointed by the directors before the statutory meeting, and if so appointed shall hold office until the first annual general meeting, unless previously removed by a resolution of the shareholders in general meeting, in which case the shareholders at such meeting may appoint auditors.

(5.) The directors of a company may fill any casual vacancy in the office of auditor, but while any such vacancy continues the surviving or continuing auditor or auditors, if any, may act.

22. *Remuneration of auditors.*] The remuneration of the auditors of a company shall be fixed by the company in general meeting, except that the remuneration of any auditors appointed before the statutory meeting, or to fill any casual vacancy, may be fixed by the directors.

23. *Rights and duties of auditors.*] Every auditor of a company shall have a right of access at all times to the books and accounts and vouchers of the company, and shall be entitled to require from the directors and officers of the company such information and explanation as may be necessary for the performance of the duties of the auditors, and the auditors shall sign a certificate at the foot of the balance sheet stating whether or not all their requirements as auditors have been complied with, and shall make a report to the shareholders on the accounts examined by them, and on every balance sheet laid before the company in general meeting during their tenure of office; and in every such report shall state whether, in their opinion, the balance sheet referred to in the report is properly drawn up so as to exhibit a true and correct view of the state of the company's affairs as shown by the books of the company; and such report shall be read before the company in general meeting.

Winding up.

24. *Application of 33 & 34 Vict. c. 104, s. 2.*] The provisions of section two of the Joint Stock Companies Arrangement Act, 1870, shall apply not only as between the company and the creditors, or any class thereof, but as between the company and the members, or any class thereof.

25. *Amendment of 25 & 26 Vict. c. 89, s. 138, as to applications.*] In a voluntary winding up an application under section one hundred and thirty-eight of the Companies Act, 1862, may be made by any creditor of the company.

Defunct Companies.

26. *Amendment of law as to striking names of defunct companies off register.*] (1.) Where a company is being wound up and the registrar has reasonable cause to believe that no liquidator is acting, or that the affairs of the company are fully wound up, and the returns required to be made by the liquidator have not been made for a period of six consecutive months after notice by the registrar demanding the returns has been sent by post to the registered address of the company, or to the liquidator at his last known place of business, the provisions of section seven of the Companies Act, 1880 [43 Vict. c. 19], shall apply in like manner as if the registrar had not within one month after sending the second letter therein mentioned received any answer thereto.

(2.) In sub-section five of the said section seven, after the words "or member," in each place where they occur, shall be inserted the words "or creditor," and in the same sub-section, after the word "operation," the words "or otherwise" shall be substituted for the word "and."

Companies limited by Guarantee.

27. *Provisions as to companies limited by guarantee.*] (1.) A company limited by guarantee shall not be capable of having a capital divided into shares, unless the memorandum of association so provides, and specifies the amount of its capital (subject to increase or reduction in accordance with the Companies Acts) and the number of shares into which the capital is divided.

(2.) Every provision in any memorandum or articles of association or resolution of a company (whether limited by guarantee or otherwise) purporting to divide the undertaking of the company into shares or interests shall for the purposes of this section be treated as a provision for a capital divided into shares, notwithstanding that the nominal amount or number of the shares or interests is not specified thereby.

(3.) In the case of a company limited by guarantee and not having a capital divided into shares, every provision in the memorandum or articles of association or in any resolution of the company purporting to give any person a right to participate in the divisible profits of the company otherwise than as a member shall be void.

(4.) This section shall apply only to companies registered after the commencement of this Act.

False Statements.

28. *Penalty for false statement.*] If any person in any return, report, certificate, balance sheet, or other document, required by or for the purposes of this Act, wilfully makes a statement false in any material particular, knowing it to be false, he shall be guilty of a misdemeanour, and shall be liable on conviction on indictment to imprisonment for a term not exceeding two years, with or without hard labour, and on summary conviction to imprisonment for a term not exceeding four months, with or without hard labour, and in either case to a fine in lieu of or in addition to such imprisonment as aforesaid: Provided that the fine imposed on summary conviction shall not exceed one hundred pounds.

Conversion of Stock into Shares.

29. *Conversion of stock into shares.*] Every company limited by shares, and which has in pursuance of the Companies Act, 1862 [25 & 26 Vict. c. 89], converted any portion of its shares into stock, may so far modify the conditions in its memorandum of association, if authorised to do so by its articles as originally framed or as altered by special resolution in manner provided in the Companies Act, 1862, as to reconvert such stock into paid-up shares of any denomination.

Supplemental.

30. *Definitions.*] In this Act, unless the context otherwise requires,—

The expression "Companies Acts" means the Companies Act, 1862, and the Acts amending the same;

The expression "company" means a company registered under the Companies Acts;

The expression "director" includes any person occupying the position of director, by whatever name called;

The expression "registered" means registered under the Companies Acts;
The expression "prescribed" means prescribed by the Board of Trade;
The expression "prospectus" means any prospectus, notice, circular, advertisement, or other invitation, offering to the public for subscription or purchase any shares or debentures of a company;
The expression "debenture" includes debenture stock;
Other expressions have the same meanings as in the Companies Act, 1862.

31. Application of Act.] This Act shall, except as otherwise expressed, apply to every company, whether formed before or after the commencement of this Act.

32. Construction of 53 & 54 Vict. c. 63 and of Act.] The Companies (Winding-up) Act, 1890, and this Act, shall have effect as part of the Companies Act, 1862; but nothing in this section shall be construed as extending the Companies (Winding-up) Act, 1890, to Scotland or Ireland.

33. Repeal.] (1.) Section twenty-five of the Companies Act, 1867, and the other enactments mentioned in the schedule to this Act, to the extent specified in the third column of that schedule are hereby repealed.

(2.) No proceedings under section twenty-five of the Companies Act, 1867, shall be commenced after the commencement of this Act.

34. Application to Scotland.] This Act shall apply to Scotland, subject to the following provisions and modifications:—

- (1.) "Solicitor of the High Court" shall mean enrolled law agent;
- (2.) The provisions of this Act with respect to the registration of mortgages and charges shall not apply to companies registered in Scotland;
- (3.) All prosecutions for offences or fines shall be at the instance of the Lord Advocate or a procurator fiscal as the Lord Advocate may direct.

35. Commencement.] This Act shall, except as otherwise expressed, come into operation on the first day of January one thousand nine hundred and one.

36. Short title.] This Act may be cited as the Companies Act, 1900, and may be cited with the Companies Acts, 1862 to 1898.

SCHEDULE.

[Section 33.]

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Vict. c. 89.	The Companies Act, 1862.	Section eighteen, from "A certificate" to the end of the section. In sections forty-five and forty-six, the words "and not having a capital divided into shares." Section one hundred and ninety-two.
30 & 31 Vict. c. 131.	The Companies Act, 1867.	Sections twenty-five, thirty-eight and thirty-nine.

CHAPTER 49.

[*Town Councils (Scotland) Act, 1900.*]

An Act to consolidate and amend the Law relating to the Election and Proceedings of Town Councils in Scotland.

[8th August 1900.]

CHAPTER 50.

[*Agricultural Holdings Act, 1900.*]

An Act to amend the Law relating to Agricultural Holdings.

[8th August 1900.]

Be it enacted, &c.:

1. Right of tenant to compensation for improvements.] (1.) Where a tenant has made on his holding any improvement comprised in the First Schedule to this Act he shall, subject as in the Agricultural Holdings (England) Act, 1883 [46 & 47 Vict. c. 61] (in this Act referred to as the principal Act) and in this Act mentioned, be entitled, at the determination of a tenancy, on quitting his holding to obtain from the landlord as compensation under the said Acts for the improvement such sum as fairly represents the value of the improvement to an incoming tenant. Provided always, that in estimating the value of any such improvement there shall not be taken into account, as part of the improvement made by the tenant, what is justly due to the inherent capabilities of the soil.

(2.) References in the principal Act to the First Schedule to that Act shall be construed as references to the First Schedule to this Act.

(3.) In the ascertainment of the amount of the compensation payable to a tenant under the principal Act or this Act there shall be taken into account any benefit which the landlord has given or allowed to the tenant in consideration of the tenant executing the improvement.

(4.) In the ascertainment of the amount of the compensation payable to a tenant in respect of manures as defined by this Act, there shall be taken into account the value of the manure required by the contract of tenancy or by custom to be returned to the holding in respect of any crops sold off or removed from the holding within the last two years of the tenancy or other less time for which the tenancy has endured, not exceeding the value of the manure which would have been produced by the consumption on the holding of the crops so sold off or removed.

(5.) Nothing in this section shall prejudice the right of a tenant to claim any compensation to which he may be entitled under custom, agreement, or otherwise, in lieu of any compensation provided by this section.

2. Settlement of differences by arbitration.] (1.) If a tenant claims to be entitled to compensation, whether under the principal Act or this Act, or under custom, agreement, or otherwise, in respect of any improvement comprised in the First Schedule to this Act, and if the landlord and tenant fail to agree as to the amount and time and mode of payment of such compensation, the difference shall be settled by arbitration in accordance with the provisions, if any, in that behalf in any agreement between landlord and tenant, and in default of and subject to any such provisions by arbitration under this Act in accordance with the provisions set out in the Second Schedule to this Act.

(2.) Any claim by a tenant for compensation under the principal Act or this Act in respect of any improvement comprised in the First Schedule to this Act shall not be made after the determination of the tenancy. Provided that where the claim relates to an improvement executed after the determination of the tenancy, but while the tenant lawfully remains in occupation of part of the holding, the claim may be made at any time before the tenant quits that part.

(3.) Where any claim by a tenant for compensation in respect of any improvement comprised in the First Schedule to this Act is referred to arbitration, and any sum is claimed to be due to the tenant from the landlord in respect of any breach of contract or otherwise in respect of the holding, or to the landlord from the tenant in respect of any waste wrongfully committed or permitted by the tenant, or in respect of breach of contract or otherwise in respect of the holding, the party claiming such sum may, if he thinks fit, by written notice to the other party given by registered letter or otherwise not later than seven days after the appointment of the arbitrator or arbitrators, require that the arbitration shall extend to the determination of the further claim, and thereupon the provisions of this section with respect to arbitration shall apply accordingly, and any sum

awarded to be paid by a landlord or tenant shall be recoverable in manner provided by the principal Act for the recovery of compensation.

(4.) Where any claim which is referred to arbitration relates to an improvement executed or matter arising after the determination of the tenancy, but while the tenant lawfully remains in occupation of part of the holding, the arbitrator may, if he thinks fit, make a separate award in respect of such claim.

(5.) An arbitration shall, unless the parties otherwise agree, be before a single arbitrator.

(6.) If in any arbitration under this Act the arbitrator states a case for the opinion of the county court on any question of law, the opinion of the court on any question so stated shall be final, unless within the time and in accordance with the conditions prescribed by rules of the Supreme Court either party appeals to the Court of Appeal, from whose decision no appeal shall lie.

(7.) Any person who wilfully and corruptly gives false evidence before an arbitrator or umpire in any arbitration under this Act shall be guilty of perjury, and may be dealt with, prosecuted, and punished accordingly.

(8.) Subject to any provision contained in any agreement between landlord and tenant the Arbitration Act, 1889 [52 & 53 Vict. c. 49], shall not apply to any arbitration to which this Act applies.

3. Land charges.] (1.) The powers of the county court under the principal Act with respect to charges shall be exercised by the Board of Agriculture, and accordingly the Board of Agriculture shall be substituted for the county court in sections twenty-nine, thirty, thirty-one, thirty-two, and thirty-nine of that Act.

(2.) Where a charge may be made under the principal Act or this Act for compensation, the person making the award shall, at the request and cost of the party entitled to obtain the charge, certify the amount to be charged and the term for which the charge may properly be made, having regard to the time at which each improvement in respect of which compensation is awarded is to be deemed to be exhausted.

(3.) Sections twenty-nine, thirty, and thirty-one of the principal Act shall apply to any money paid by or due from a landlord to a tenant as compensation for any improvement comprised in the First Schedule to this Act, whether the compensation be claimed under this Act or under custom or agreement or otherwise.

(4.) A charge made by the Board of Agriculture pursuant to this section shall be a land charge within the meaning of the Land Charges Registration and Searches Act, 1888 [51 & 52 Vict. c. 51], and may be registered accordingly. This subsection shall not apply to Scotland.

4. Fixtures and buildings.] The provisions of section thirty-four of the principal Act shall apply to a fixture or building acquired by a tenant in like manner as they apply to a fixture or building affixed or erected by a tenant.

5. Power of entry.] The landlord of a holding or any person authorised by him may at all reasonable times enter on the holding, or any part of it, for the purpose of viewing the state of the holding.

6. Penal rents and liquidated damages.] Notwithstanding any provision in a contract of tenancy making the tenant liable to pay a higher rent or other liquidated damages in the event of any breach or nonfulfilment of a covenant or condition, a landlord shall not be entitled to recover, by distress or otherwise, any sum in consequence of any breach or nonfulfilment of any such covenant or condition in excess of the damage actually suffered by him in consequence of the breach or nonfulfilment. Provided that this section shall not apply to any covenant or condition against breaking up permanent pasture, grubbing underwoods, or felling cutting lopping or injuring trees, or regulating the burning of heather.

7. Improvements executed before Act comes into operation.] The compensation in respect of an improvement made before this Act comes into operation shall be such (if any) as could have been claimed if this Act had not been passed, but shall be ascertained in the manner provided by this Act.

8. Notice of termination of tenancy.] From and

after the passing of this Act notice of termination of tenancy under section twenty-eight of the Agricultural Holdings (Scotland) Act, 1883 [46 & 47 Vict. c. 62], may be given in the same manner as a notice of removal under section six of the Removal Terms (Scotland) Act, 1886 [49 & 50 Vict. c. 50.]

9. Interpretation.] (1.) References to "manures" in the principal Act and this Act shall be construed as references to the improvements numbered twenty-three, twenty-four, and twenty-five in Part III. of the First Schedule to this Act.

(2.) This Act shall be construed as one with the principal Act.

10. Application to Scotland.] In the application of this Act to Scotland—

(1.) References to the principal Act and to sections twenty-nine, thirty, thirty-two, and thirty-four thereof shall be construed as references to the Agricultural Holdings (Scotland) Act, 1883 [46 & 47 Vict. c. 62], and to sections twenty-four, twenty-six, twenty-five [sic], and thirty thereof respectively. References to sections thirty-one and thirty-nine of the principal Act, shall not apply:

(2.) A reference to the Arbitration Act, 1889, shall be construed as a reference to the Arbitration (Scotland) Act, 1894 [57 & 58 Vict. c. 13], and a reference to the Market Gardeners' Compensation Act, 1895, shall be construed as a reference to the Market Gardeners' Compensation (Scotland) Act, 1897 [60 & 61 Vict. c. 29]:

(3.) The expression "either division of the Court of Session" shall be substituted for "Court of Appeal," "sheriff" for "county court" or "judge of a county court," "auditor of the sheriff court" for "registrar of the county court," "Act of Sederunt" for "Rules of the Supreme Court," "arbitrator" and "arbiters" for "arbitrator" and "arbitrators," "overman" for "umpire," "deterioration" for "waste," and "expenses" for "costs":

(4.) Any award or agreement as to compensation, and any other award under this Act, may be competently recorded for execution in the books of council and session or sheriff court books, and shall be enforceable in like manner as a recorded decree arbitral.

(5.) Where any jurisdiction committed by the principal Act or this Act to the sheriff is exercised by the sheriff-substitute there shall be no appeal to the sheriff.

11. Extent of Act.] This Act shall not extend to Ireland.

12. Repeal.] The enactments specified in the Third Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

13. Commencement of Act.] This Act shall come into operation on the first day of January, one thousand nine hundred and one.

14. Short titles.] (1.) This Act may be cited as the Agricultural Holdings Act, 1900.

(2.) The Agricultural Holdings (England) Act, 1883, the Tenants Compensation Act, 1890 [53 & 54 Vict. c. 57], the Market Gardeners' Compensation Act, 1895 [58 & 59 Vict. c. 27], and this Act, may be cited together as the Agricultural Holdings (England) Acts, 1883 to 1900.

(3.) The Agricultural Holdings (Scotland) Act, 1883, the Market Gardeners' Compensation (Scotland) Act, 1897, and this Act may be cited together as the Agricultural Holdings (Scotland) Acts, 1883 to 1900.

SCHEDULES.

[Sections 1, 2, 3.]

FIRST SCHEDULE.

PART I.

IMPROVEMENTS TO WHICH CONSENT OF LANDLORD IS REQUIRED.

- (1.) Erection, alteration, or enlargement of buildings.
- (2.) Formation of silos.
- (3.) Laying down of permanent pasture.
- (4.) Making and planting of osier beds.
- (5.) Making of water meadows or works of irrigation.

- (6.) Making of gardens.
- (7.) Making or improving of roads or bridges.
- (8.) Making or improving of watercourses, ponds, wells, or reservoirs, or of works for the application of water power or for supply of water for agricultural or domestic purposes.
- (9.) Making or removal of permanent fence.
- (10.) Planting of hops.
- (11.) Planting of orchards or fruit bushes.
- (12.) Protecting young fruit trees.
- (13.) Reclaiming of waste land.
- (14.) Warping or weiring of land.
- (15.) Embankments and sluices against floods.
- (16.) The erection of wirework in hop gardens.

[N.B.—This part is subject as to market gardens to the provisions of Part III.]

PART II.

IMPROVEMENTS IN RESPECT OF WHICH NOTICE TO LANDLORD IS REQUIRED.

- (17.) Drainage.

PART III.

IMPROVEMENTS IN RESPECT OF WHICH CONSENT OF OR NOTICE TO LANDLORD IS NOT REQUIRED.

- (18.) Chalking of land.
- (19.) Clay-burning.
- (20.) Claying of land or spreading blaes upon land.
- (21.) Liming of land.
- (22.) Marling of land.
- (23.) Application to land of purchased artificial or other purchased manure.
- (24.) Consumption on the holding by cattle, sheep, pigs, or by horses other than those regularly employed on the holding, of corn, cake, or other feeding stuff not produced on the holding.
- (25.) Consumption on the holding by cattle, sheep, or pigs, or by horses other than those regularly employed on the holding, of corn proved by satisfactory evidence to have been produced and consumed on the holding.
- (26.) Laying down temporary pasture with clover, grass, lucerne, sainfoin, or other seeds, sown more than two years prior to the determination of the tenancy.
- (27.) In the case of a holding as to which section three of the Market Gardeners' Compensation Act, 1895 [58 & 59 Vict. c. 27], applies—
 - (i.) Planting of standard or other fruit trees permanently set out;
 - (ii.) Planting of fruit bushes permanently set out;
 - (iii.) Planting of strawberry plants;
 - (iv.) Planting of asparagus, rhubarb, and other vegetable crops which continue productive for two or more years;
 - (v.) Erection or enlargement of buildings for the purpose of the trade or business of a market gardener.

SECOND SCHEDULE.

[Section 2.]

RULES AS TO ARBITRATION.

PART I.

ARBITRATION BEFORE A SINGLE ARBITRATOR.

Appointment of Arbitrator.

1. A person agreed upon between the parties, or in default of agreement nominated by the Board of Agriculture on the application in writing of either of the parties, shall be appointed arbitrator.
2. If a person appointed arbitrator dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, a new arbitrator may be appointed as if no arbitrator had been appointed.
3. Neither party shall have power to revoke the appointment of the arbitrator without the consent of the other party.
4. Every appointment notice, revocation, and consent under this part of these rules must be in writing.

Time for Award.

5. The arbitrator shall make and sign his award within twenty-eight days of his appointment or within such longer period as the Board of Agriculture may (whether the time for making the award has expired or not) direct.

Removal of Arbitrator.

6. Where an arbitrator has misconducted himself the county court may remove him.

Evidence.

7. The parties to the arbitration, and all persons claiming through them respectively, shall, subject to any legal objection, submit to be examined by the arbitrator, on oath or affirmation, in relation to the matters in dispute, and shall, subject as aforesaid, produce before the arbitrator all samples, books, deeds, papers, accounts, writings, and documents, within their possession or power respectively which may be required or called for, and do all other things which during the proceedings the arbitrator may require.

8. The arbitrator shall have power to administer oaths, and to take the affirmation of parties and witnesses appearing, and witnesses shall, if the arbitrator thinks fit, be examined on oath or affirmation.

Statement of Case.

9. The arbitrator may at any stage of the proceedings, and shall, if so directed by the judge of a county court (which direction may be given on the application of either party), state in the form of a special case for the opinion of that court any question of law arising in the course of the arbitration.

Award.

10. The arbitrator shall on the application of either party specify the amount awarded in respect of any particular improvement or improvements, and the award shall fix a day not sooner than one month nor later than two months after the delivery of the award for the payment of the money awarded for compensation, costs, or otherwise, and shall be in such form as may be prescribed by the Board of Agriculture.

11. The award to be made by the arbitrator shall be final and binding on the parties and the persons claiming under them respectively.

12. The arbitrator may correct in an award any clerical mistake or error arising from any accidental slip or omission.

13. When an arbitrator has misconducted himself, or an arbitration or award has been improperly procured, the county court may set the award aside.

Costs.

14. The costs of and incidental to the arbitration and award shall be in the discretion of the arbitrator, who may direct to and by whom and in what manner these costs or any part thereof are to be paid, and the costs shall be subject to taxation by the registrar of the county court on the application of either party, but that taxation shall be subject to review by the judge of the county court.

15. The arbitrator shall, in awarding costs, take into consideration the reasonableness or unreasonableness of the claim of either party, either in respect of amount or otherwise, and any unreasonable demand for particulars or refusal to supply particulars, and generally all the circumstances of the case, and may disallow the costs of any witness whom he considers to have been called unnecessarily, and any other costs which he considers to have been incurred unnecessarily.

Forms.

16. Any forms for proceedings in arbitrations under this Act which may be prescribed by the Board of Agriculture shall, if used, be sufficient.

PART II.

ARBITRATION BEFORE TWO ARBITRATORS OR AN UMPIRE.

Appointment of Arbitrators and Umpire.

1. If the parties agree in writing that there be not a single arbitrator, each of them shall appoint an arbitrator.

2. If before award one of two arbitrators dies or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, the party appointing him shall appoint another arbitrator.

3. Notice of every appointment of an arbitrator by either party shall be given to the other party.

4. If for fourteen days after notice by one party to the other to appoint an arbitrator, or another arbitrator, the other party fails to do so, then, on

the application of the party giving notice, the Board of Agriculture shall appoint a person to be an arbitrator.

5. Where two arbitrators are appointed, then (subject to the provisions of these rules) they shall, before they enter on the arbitration, appoint an umpire.

6. If before award an umpire dies, or is incapable of acting, or for seven days after notice from either party requiring him to act fails to act, the arbitrators may appoint another umpire.

7. If for seven days after request from either party, the arbitrators fail to appoint an umpire, or another umpire, then, on the application of either party, the Board of Agriculture shall appoint a person to be the umpire.

8. Neither party shall have power to revoke an appointment of an arbitrator without the consent of the other.

9. Every appointment, notice, request, revocation, and consent under this part of these rules shall be in writing.

Time for Award.

10. The arbitrators shall make and sign their award in writing within twenty-eight days after the appointment of the last appointed of them, or on or before any later day to which the arbitrators, by any writing signed by them, may enlarge the time for making the award, not being more than forty-nine days from the appointment of the last appointed by them.

11. If the arbitrators have allowed their time or extended time to expire without making an award, or have delivered to either party or to the umpire a notice in writing stating that they cannot agree, the umpire may forthwith enter on the arbitration in lieu of the arbitrators.

12. The umpire shall make and sign his award within one month after the original or extended time appointed for making the award of the arbitrators has expired.

13. The time for making an award may from time to time be extended by the Board of Agriculture, whether the time for making the award has expired or not.

Removal of Arbitrator, Evidence, Statement of Case, Award, Costs, Forms.

14. The provisions of Part I. of these rules as to the removal of an arbitrator, the evidence, the statement of a case, the award, costs, and forms shall apply to an arbitration in accordance with this Part as if the expression "arbitrator" whenever used in those provisions included two arbitrators or an umpire, as the case may require.

THIRD SCHEDULE.

[Section 12.]

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 61.	The Agricultural Holdings (England) Act, 1883.	Section one. Sections six to sixteen. Section seventeen from "and the award shall" to the end of the section. Sections eighteen to twenty-three. In section twenty-four the words "or ordered on appeal" and the words "or ordered." Section twenty-nine from "where an award has been made" to "improvement will." Section fifty-seven. The definition of "manures" in section sixty-one. The First Schedule.

Session and Chapter.	Short Title.	Extent of Repeal.
46 & 47 Vict. c. 62.	The Agricultural Holdings (Scotland) Act, 1883.	Section one. Sections six to eight. Sections eleven to fifteen. Section sixteen from the beginning thereof to "within the county," and from "and the award shall" to the end of the section. Sections seventeen to twenty. In section twenty-one the words "or ordered on appeal," and the words "or ordered." Section twenty-four from "where an award has been made" to "improvement will." Section thirty-eight. The Schedule. The whole Act.
52 & 53 Vict. c. 20.	The Agricultural Holdings (Scotland) Act, 1889.	
58 & 59 Vict. c. 27.	The Market Gardeners' Compensation Act, 1895.	In section three the paragraphs numbered (2) and (3).
60 & 61 Vict. c. 22.	The Market Gardeners' Compensation (Scotland) Act, 1897.	In section three the paragraphs numbered (2) and (3).

CHAPTER 51.

[Money-lenders Act, 1900.]

An Act to amend the Law with respect to Persons carrying on business as Money-lenders.
[8th August 1900.]

Be it enacted, &c.:

1. *Re-opening of transactions of money-lender.* (1.) Where proceedings are taken in any court by a money-lender for the recovery of any money lent after the commencement of this Act, or the enforcement of any agreement or security made or taken after the commencement of this Act, in respect of money lent either before or after the commencement of this Act, and there is evidence which satisfies the court that the interest charged in respect of the sum actually lent is excessive, or that the amounts charged for expenses, inquiries, fines, bonus, premium, renewals, or any other charges, are excessive, and that, in either case, the transaction is harsh and unconscionable, or is otherwise such that a court of equity would give relief, the court may reopen the transaction, and take an account between the money-lender and the person sued, and may, notwithstanding any statement or settlement of account, or any agreement purporting to close previous dealings and create a new obligation, re-open any account already taken between them, and relieve the person sued from payment of any sum in excess of the sum adjudged by the court to be fairly due in respect of such principal, interest, and charges as the court, having regard to the risk and all the circumstances, may adjudge to be reasonable; and if any such excess has been paid, or allowed in account, by the debtor, may order the creditor to repay it; and may set aside, either wholly or in part, or revise, or alter, any security given or agreement made in respect of

money lent by the money-lender, and if the money-lender has parted with the security, may order him to indemnify the borrower or other person sued.

(2.) Any court in which proceedings might be taken for the recovery of money lent by a money-lender shall have and may, at the instance of the borrower or surety or other person liable, exercise the like powers as may be exercised under this section, where proceedings are taken for the recovery of money lent, and the court shall have power, notwithstanding any provision or agreement to the contrary, to entertain any application under this Act by the borrower or surety, or other person liable, notwithstanding that the time for repayment of the loan, or any instalment thereof, may not have arrived.

(3.) On any application relating to the admission or amount of a proof by a money-lender in any bankruptcy proceedings, the court may exercise the like powers as may be exercised under this section when proceedings are taken for the recovery of money.

(4.) The foregoing provisions of this section shall apply to any transaction which, whatever its form may be, is substantially one of money-lending by a money-lender.

(5.) Nothing in the foregoing provisions of this section shall affect the rights of any bona fide assignee or holder for value without notice.

(6.) Nothing in this section shall be construed as derogating from the existing powers or jurisdiction of any court.

(7.) In the application of this Act to Scotland this section shall be read as if the words "or is otherwise such that a court of equity would give relief" were omitted therefrom.

2. *Registration of money-lenders, &c.* (1.) A money-lender as defined by this Act—

(a) shall register himself as a money-lender in accordance with regulations under this Act, at an office provided for the purpose by the Commissioners of Inland Revenue, under his own or usual trade name, and in no other name, and with the address, or all the addresses if more than one, at which he carries on his business of money-lender; and

(b) shall carry on the money-lending business in his registered name, and in no other name and under no other description, and at his registered address or addresses, and at no other address; and

(c) shall not enter into any agreement in the course of his business as a money-lender with respect to the advance and repayment of money, or take any security for money in the course of his business as a money-lender, otherwise than in his registered name; and

(d) shall on reasonable request, and on tender of a reasonable sum for expenses, furnish the borrower with a copy of any document relating to the loan or any security therefor.

(2.) If a money-lender fails to register himself as required by this Act, or carries on business otherwise than in his registered name, or in more than one name, or elsewhere than at his registered address, or fails to comply with any other requirement of this section, he shall be liable on conviction under the Summary Jurisdiction Acts to a fine not exceeding one hundred pounds, and in the case of a second or subsequent conviction to imprisonment, with or without hard labour, for a term not exceeding three months, or to a fine not exceeding one hundred pounds, or to both: Provided that if the offender be a body corporate that body corporate shall be liable on a second or subsequent conviction to a fine not exceeding five hundred pounds.

(3.) A prosecution under subsection (1) (a) of this section shall not be instituted except with the consent in England of the Attorney-General or Solicitor-General, and in Ireland of the Attorney-General or Solicitor-General for Ireland.

3. *Regulations as to registration.* (1.) The Commissioners of Inland Revenue, subject to the approval of the Treasury, may make regulations respecting the registration of money-lenders, whether individuals, firms, societies, or companies, the form of the register, and the particulars to be entered therein, and the fees to be paid on registra-

tration and renewal of registration, not exceeding one pound for each registration or renewal, and respecting the inspection of the register and the fees payable therefor.

(2.) The registration shall cease to have effect at the expiration of three years from the date of the registration, but may be renewed from time to time, and if renewed shall have effect for three years from the date of the renewal.

4. Penalties for false statements and representations.] If any money-lender, or any manager, agent, or clerk of a money-lender, or if any person being a director, manager, or other officer of any corporation carrying on the business of a money-lender, by any false, misleading, or deceptive statement, representation, or promise, or by any dishonest concealment of material facts, fraudulently induces or attempts to induce any person to borrow money or to agree to the terms on which money is or is to be borrowed, he shall be guilty of a misdemeanour, and shall be liable on indictment to imprisonment, with or without hard labour, for a term not exceeding two years, or to a fine not exceeding five hundred pounds, or to both.

5. Amendment of 55 & 56 Vict. c. 4, s. 2, as to presumption of knowledge of infancy.] Where in any proceedings under section two of the Betting and Loans (Infants) Act, 1892, it is proved that the person to whom the document was sent was an infant, the person charged shall be deemed to have known that the person to whom the document was sent was an infant, unless he proves that he had reasonable ground for believing the infant to be of full age.

6. Definition of money-lender.] The expression "money-lender" in this Act shall include every person whose business is that of money-lending, or who advertises or announces himself or holds himself out in any way as carrying on that business; but shall not include—

- (a) any pawnbroker in respect of business carried on by him in accordance with the provisions of the Acts for the time being in force in relation to pawnbrokers; or
- (b) any registered society within the meaning of the Friendly Societies Act, 1896 [59 & 60 Vict. c. 25], or any society registered or having rules certified under sections two or four of that Act, or under the Benefit Building Societies Act, 1836 [6 & 7 Will. 4, c. 32], or the Loan Societies Act, 1840 [3 & 4 Vict. c. 110], or under the Building Societies Acts, 1874 to 1894; or
- (c) any body corporate, incorporated or empowered by a special Act of Parliament to lend money in accordance with such special Act; or
- (d) any person *bonâ fide* carrying on the business of banking or insurance or *bonâ fide* carrying on any business not having for its primary object the lending of money, in the course of which and for the purposes whereof he lends money; or
- (e) any body corporate for the time being exempted from registration under this Act by order of the Board of Trade made and published pursuant to regulations of the Board of Trade.

7. Short title and commencement.] (1.) This Act may be cited as the Money-lenders Act, 1900.

(2.) This Act shall come into operation on the first day of November one thousand nine hundred.

CHAPTER 52.

[*Naval Reserve Act, 1900.*]

An Act to make further provision for a Naval Reserve. [8th August 1900.]

CHAPTER 53.

[*Elementary Education Act, 1900.*]

An Act to amend the Elementary Education Acts, 1870 to 1893. [8th August 1900.]

Be it enacted, &c.:

1. Calculation of average attendance.] For the purpose of the Fee Grant under the Elementary Education Act, 1891 [54 & 55 Vict. c. 56], average attendance shall be calculated in accordance with the minutes of the Board of Education in force for the time being in respect to public elementary schools.

2. Power of guardians to contribute to expenses of public elementary school.] The board of guardians of any poor law union may contribute towards such of the expenses of providing, enlarging, or maintaining, any public elementary school as are certified by the Board of Education to have been incurred wholly or partly in respect of scholars taught at the school, who are either resident in a workhouse or in an institution to which they have been sent by the guardians from a workhouse, or boarded out by the guardians.

3. Expenses of blind and deaf children.] A parish in which there is a school board shall be exempt from contributing to the expenses incurred by any district council acting as a school authority under the Elementary Education (Blind and Deaf Children) Act, 1893 [56 & 57 Vict. c. 42], and where the school authority are an urban district council their expenses as such authority shall be paid out of a fund to be raised in the area for which they are the school authority, in the same manner as the fund out of which their general expenses are payable is raised in the urban district.

4. Expenses of children in industrial schools.] (1.) Where a child is committed to a certified industrial school, at the instance of a school board or other local authority within the meaning of the Elementary Education Acts, 1870 to 1893, the authority may pay the expenses of and incidental to the conveyance of the child to and from the school, and the sending of the child out on licence or bringing back the child on the expiration or revocation of a licence.

(2.) Where any such local authority have contributed to the support of a child in an industrial school they may contribute to the ultimate disposal of the child.

5. Accounts relating to joint industrial schools.] Where two or more school boards combine for the establishment of a joint industrial school under a joint body of managers, the enactments relating to the audit of school board accounts shall apply as if the joint body of managers were a school board.

6. Byelaws for compulsory attendance.] (1.) In section seventy-four of the Elementary Education Act, 1870, and in section four of the Elementary Education Act, 1880 (which relate to byelaws for the attendance of children at school), fourteen years shall be substituted for thirteen years.

(2.) The maximum penalty for the breach of a byelaw requiring the attendance of a child at an elementary school, or of an attendance order made under the Elementary Education Act, 1876, shall be twenty shillings, and accordingly twenty shillings shall be substituted for five shillings in section seventy-four of the Elementary Education Act, 1870 [33 & 34 Vict. c. 75], and in section 12 of the Elementary Education Act, 1876.

(3.) The said section seventy-four shall have effect as if the sanction therein referred to were the sanction of the Board of Education instead of the sanction of Her Majesty in Council.

7. Amendment of 39 & 40 Vict. c. 79 as to standard of attendances.] In paragraph 2 of the First Schedule to the Elementary Education Act, 1876 (which relates to the standard of previous due attendance at a certified efficient school), three hundred and fifty shall be substituted for two hundred and fifty.

8. Repeal.] The Acts mentioned in the schedule to this Act are hereby repealed to the extent specified in the third column of that schedule.

9. Short title.] This Act may be cited as the Elementary Education Act, 1900, and may be cited with the Elementary Education Acts, 1870 to 1893.

SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter.	Short Title.	Extent of Repeal.
54 & 55 Vict. c. 56.	The Elementary Education Act, 1891.	Section ten, from "and the expression" to the end of the section.
56 & 57 Vict. c. 42.	The Elementary Education (Blind and Deaf Children) Act, 1893.	Section four, from "and until" to the end of the section. Section five, from "or where the school authority" to "value of each parish."

CHAPTER 54.

[*Lunacy Board (Scotland) Salaries and Clerks Act, 1900.*]

An Act to amend the Law relating to the number and salaries of the Staff of the General Board of Commissioners in Lunacy for Scotland, and to provide for the remuneration of certain of the Commissioners.

[8th August 1900.]

CHAPTER 55.

[*Executors (Scotland) Act, 1900.*]

An Act to amend the Law relating to Executors in Scotland. [8th August 1900.]

CHAPTER 56.

[*Military Lands Act, 1900.*]

An Act to amend the Military Lands Act, 1892. [8th August 1900.]

Be it enacted, &c.:

1. County or borough council may lease land and volunteer corps may borrow on security of lease.] (1.) The council of a county or borough holding land on behalf of one or more volunteer corps under subsection three of section one of the Military Lands Act, 1892, may lease the land or any part thereof to any such corps for military purposes for a period not exceeding ninety-nine years.

(2.) The powers of a volunteer corps to borrow and of the Public Works Loan Commissioners to lend under the Military Lands Acts, 1892 and 1897, shall extend to borrowing and lending on the security of any such lease.

(3.) If the volunteer corps is disbanded or the land ceases to be used for military purposes, the lease shall vest in the Secretary of State, subject to repayment of any money borrowed on the security of the lease and not already repaid.

2. Provision as to byelaws.] (1.) Where any land is for the time being appropriated by the Admiralty for any purpose of Her Majesty's navy, or used by the Admiralty for any such purpose, the Admiralty shall have the same power of making byelaws with respect to the land as may be exercised by a Secretary of State with respect to land appropriated or used for a military purpose, as the case may be, and the provisions of the Military Lands Act, 1892 [55 & 56 Vict. c. 43], relating to byelaws shall apply accordingly.

(2.) Where any land, the use of which can be regulated by byelaws under the Military Lands Act, 1892, or this Act, abuts on any sea or tidal water, or where rifle or artillery practice is or can be carried on over any sea, tidal water, or shore, from any such land, byelaws may be made in relation to any such sea, tidal water, or shore, as if they were part of the land.

Provided that—

(a) If any such byelaw injuriously affects or obstructs the exercise of any private right of any person in or over any such sea, tidal

water, or shore, that person shall be entitled to compensation, and the compensation shall, in case of difference, be ascertained in manner provided by the Lands Clauses Acts with respect to the compensation for land taken otherwise than by agreement; and

(b.) Any such byelaw shall not injuriously affect any public right within the meaning of this section unless made with the consent of the Board of Trade, but the Board of Trade, if satisfied after such inquiries and such notice and opportunity for objections as herein-after mentioned that a restriction of any public right is required for the safety of the public, or for the exigencies of the military or naval purpose for which the area to which the byelaws apply is used, may consent to a byelaw restricting the public right to such extent as under all the circumstances of the case seems reasonable; and

(c.) No such byelaw shall be made in relation to any sea, tidal water, or shore which may for the time being be vested in Her Majesty, and under the management of the Commissioners of Woods, without the consent in writing of such Commissioners on behalf of Her Majesty first had and obtained for that purpose, which consent such Commissioners are hereby authorised to give.

(3.) The Board of Trade, before consenting to any byelaw under this section, shall cause notice of the byelaw to be given by advertisement or otherwise in the locality, in order that any such town, harbour, and other local authorities and persons as are interested may have an opportunity for making objections to the byelaw, and shall consider any objections made, and shall make such inquiries as appear to the Board necessary for the purpose of ascertaining that the byelaw will not unreasonably interfere with any public right.

(4.) For the purposes of this section "public right" means any right of navigation, anchoring, grounding, fishing, bathing, walking, or recreation.

(5.) Where an area to which byelaws under this section apply consists of any sea or tidal water, or the shore thereof, and the boundaries of the area cannot, in the opinion of the authority making the byelaws, be conveniently marked by permanent marks, those boundaries shall be described in the byelaws, and shall be deemed to be sufficiently marked within the meaning of section seventeen of the Military Lands Act, 1892, if, while the area is in use for military or naval purposes, sufficient means are taken to warn the public from entering the area.

(6.) Section three of the Artillery and Rifle Ranges Act, 1885 [48 & 49 Vict. c. 36], is hereby repealed.

3. *Extension of meaning of "land."* Section twenty-three of the Military Lands Act, 1892, shall have effect as if the definition of "land" in that section included the bed of the sea or any tidal water, and also any right of interference with the free use of any land, and the Military Lands Act, 1892 [58 & 59 Vict. c. 35], as extended by the Naval Works Act, 1895, and as amended by this Act, shall be construed accordingly.

4. *Amendment of 55 & 56 Vict. c. 43, s. 2, as to limit of time for compulsory purchase.* Notwithstanding anything in section two of the Military Lands Act, 1892, the period of three years mentioned in section one hundred and twenty-three of the Lands Clauses Consolidation Act, 1845, shall be calculated from the passing of the Act confirming any Provisional Order under the Military Lands Act, 1892, and not from the passing of the Military Lands Act, 1892.

5. *Application to Scotland.* In the application of this Act to Scotland the following provision shall have effect:—

In subsection (9) of section twenty-five of the Military Lands Act, 1892, "twenty-one" shall be substituted for "twenty-two."

6. *Short title and construction.* This Act shall be construed as part of the Military Lands Act, 1892, and may be cited as the Military Lands Act, 1900, and the Military Lands Act, 1892, the Military Lands Act, 1897, and this Act, may be cited collectively as the Military Lands Acts, 1892 to 1900.

CHAPTER 57.

[Appropriation Act, 1900.]

An Act to supply a sum out of the Consolidated Fund to the service of the year ending on the thirty-first day of March one thousand nine hundred and one, and to appropriate the supplies granted in this Session of Parliament.
8th August 1900.

CHAPTER 58.

[Tithe Rentcharge (Ireland) Act, 1900.]

An Act to amend the Law relating to Tithe Rentcharge in Ireland.
8th August 1900.

CHAPTER 59.

[Housing of the Working Classes Act, 1900.]

An Act to amend Part III. of the Housing of the Working Classes Act, 1890.
8th August 1900.

Be it enacted, &c.:

1. *Exercise of powers outside district.* Where any council, other than a rural district council, have adopted Part Three of the Housing of the Working Classes Act, 1890 [53 & 54 Vict. c. 70] (in this Act referred to as "the principal Act"), they may, for supplying the needs of their district, establish or acquire lodging houses for the working classes under that Part outside their district.

2. *Adoption of Part Three of Act by rural district council.* (1.) The council of any rural district may, with the consent of the county council, adopt Part Three of the principal Act, either for the whole of their district or for any contributory place or places therein.

(2.) In giving or withholding their consent under this section the county council shall have regard—

(a) to the area for which it is proposed to adopt the said Part; and

(b) to the necessity for accommodation for the housing of the working classes in that area; and

(c) to the probability of such accommodation being provided without the adoption of the said Part; and

(d) to the liability which will be incurred by the rates, and to the question whether it is, under all the circumstances, prudent for the district council to adopt the said Part.

(3.) The principal Act is hereby repealed to the extent mentioned in the third column of the schedule to this Act.

3. *Provisions as to metropolitan borough councils.* (1.) Any expenses incurred by the council of a metropolitan borough under Part III. of the principal Act, whether within or without the borough, shall be defrayed as part of the ordinary expenses of the council, and in that Act the expressions "district," "local authority," and "local rate" shall, for the purposes of Part III. of the Act, include a metropolitan borough, the council of the borough, and the general rate of the borough.

(2.) Where the council of a metropolitan borough adopt Part III. of the principal Act, the power of the council to borrow for the purposes of that Part shall be exercisable in the like manner and subject to the like conditions as the power of the council to borrow for the purposes of Part II. of that Act.

4. *Accounts.* Where land acquired by a council under Part III. of the principal Act is appropriated for the purpose of re-housing persons displaced by the council under the powers of any other Part of that Act or of any other enactment, the receipts and expenditure in respect of that land (including all costs in respect of the acquisition and laying out of the land), and of any buildings erected thereon, may be treated as receipts and expenditure under that Part or enactment, but shall be accounted for under a separate head.

5. *Leases by local authority for building lodging houses.* (1.) The local authority, if not a rural district council, with the consent of the Local Government Board, and if a rural district council with the consent of the county council, may lease

any land acquired by them under and for the purposes of Part III. of the principal Act to any lessee for the purpose and under the condition that the lessee will carry the Act into execution by building and maintaining on the land lodging houses within the meaning of the Act; and the local authority shall insert in every lease all necessary provisions for insuring the user of the land and buildings for lodging houses within the meaning of the Act, and in particular the local authority shall insert in any lease provisions binding the lessee to build on the land as in the lease prescribed, and to maintain and repair the buildings, and securing the use of the buildings exclusively as lodging houses within the meaning of the Act, and prohibiting any addition to or alteration of the character of the buildings without the consent of the local authority; and also a provision for the re-entry of the local authority on the land on the breach of any of the terms of the lease; and every deed or instrument of demise of the land or buildings shall be endorsed with notice of this subsection.

Provided that in the case of a council in London, the consent of a Secretary of State shall be substituted for the consent of the Local Government Board.

(2.) Sections sixty-one and sixty-two of the principal Act shall not extend to any lodging house to which this section applies.

6. *Powers of county council to act on default of rural council.* The council of any administrative county, if a parish council, shall resolve that a rural district council ought to have taken steps for the adoption of Part III. of the principal Act, or to have exercised their powers under that Part, and have failed to do so, may, if satisfied after due inquiry that the district council have so failed, resolve that the powers of the district council for the purposes of that Part shall be transferred to the county council with respect to the parish, and they shall be transferred accordingly, and the resolution shall, if necessary, have effect as an adoption of that Part by the district council, and subject to the provisions of this Act, section 63 of the Local Government Act, 1894 [56 & 57 Vict. c. 78], shall apply as if the powers had been transferred under that Act.

7. *Arbitration as to acquisition of land.* Where land is acquired under Part III. of the principal Act otherwise than by agreement, any question as to the amount of compensation which may arise shall in default of agreement be determined by a single arbitrator to be appointed and removable by the Local Government Board, and subsections (5), (7), (8), (10), and (11) of section forty-one of the Act shall apply as in the case of an arbitration under that section. Provided that in the case of a council in London a Secretary of State shall be substituted for the Local Government Board.

8. *Short title and extent.* (1.) This Act may be cited as the Housing of the Working Classes Act, 1900, and the Housing of the Working Classes Acts, 1890 to 1894, and this Act may be cited together as the Housing of the Working Classes Acts, 1890 to 1900.

(2.) This Act shall not extend to Scotland or Ireland.

SCHEDULE.

REPEAL.

Session and Chapter.	Short Title.	Extent of Repeal.
53 & 54 Vict. c. 70.	The Housing of the Working Classes Act, 1890.	The proviso to section fifty-four. Section fifty-five, the words from "and save where" to "bear such expenses," and the words "at the time of the publication of the certificate," and "who publish the same."

CHAPTER 60.[*Tramways (Ireland) Act, 1900.*]

An Act to amend the Tramways (Ireland) Acts, 1860 to 1896. [8th August 1900.]

CHAPTER 61.[*Supplemental War Loan Act, 1900.*]

An Act to provide for raising a Supplemental Loan for the Service of the Year ending the thirty-first day of March nineteen hundred and one. [8th August 1900.]

CHAPTER 62.[*Colonial Stock Act, 1900.*]

An Act to amend the Colonial Stock Acts, 1877 and 1892, and the Trustee Act, 1893.

[8th August 1900.]

Be it enacted, &c.:

1. Amendment of 40 & 41 Vict. c. 59, s. 19, as to Colonial Stock. For the purpose of enabling the Colonial Stock Acts, 1877 and 1892, to be applied to stock issued before the passing of this Act, it

shall not be necessary that any prospectus, notice, stock certificate, coupon, dividend warrant, or other certificate or document issued before the passing of this Act in relation to the stock, should state the particulars required to be stated therein by section nineteen of the Colonial Stock Act, 1877.

2. Power for trustees to invest in Colonial Stock. The securities in which a trustee may invest under the powers of the Trustee Act, 1893 [56 & 57 Vict. c. 53], shall include any Colonial Stock which is registered in the United Kingdom in accordance with the provisions of the Colonial Stock Acts, 1877 and 1892, as amended by this Act, and with respect to which there have been observed such conditions (if any) as the Treasury may by order notified in the London Gazette prescribe.

The restrictions mentioned in section two subsection (2) of the Trustee Act, 1893, with respect to the stocks therein referred to shall apply to Colonial Stock. The Treasury shall keep a list of any Colonial stocks in respect of which the provisions of this Act are for the time being complied with, and shall publish the list in the London and Edinburgh Gazettes, and in such other manner as may give the public full information on the subject.

3. Application to Scotland. In the application of this Act to Scotland the words "Trusts (Scotland) Amendment Act, 1884," shall be substituted for the words "Trustee Act, 1893," where those words first occur in section two, and the restrictions mentioned at the end of the said section shall apply.

4. Short title. This Act may be cited as the Colonial Stock Act, 1900, and the Colonial Stock Acts, 1877 [40 & 41 Vict. c. 59] and 1892 [55 & 56 Vict. c. 35], and this Act may be cited collectively as the Colonial Stock Acts, 1877 and 1900.

CHAPTER 63.[*Local Government (Ireland) Act, 1900.*]

An Act to amend sections forty-two, fifty-one, fifty-four, sixty-nine, one hundred and three, one hundred and fifteen, and one hundred and twenty-one of the Local Government (Ireland) Act, 1898, and Articles nineteen, twenty-four, and thirty-six of the Schedule to the Local Government (Application of Enactments) Order, 1898.

[8th August 1900.]

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NOTE.—The capital letters placed after the chapter have the following signification :—E., that the Act relates to England (and Wales, if it so extend); S., to Scotland exclusively; I., to Ireland exclusively; E. & I., to England and Ireland; E. & S., to England and Scotland; U.K., to Great Britain and Ireland (and Colonies, if it so extend); Ind., to India specially; C., to the Colonies specially, or any of them.

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ANCIENT MONUMENTS PROTECTION; to amend the Ancient Monuments Protection Act, 1882. Ch. 34. E. & S. p. 16.

ARMY (ANNUAL); to provide, during Twelve Months, for the Discipline and Regulation of the Army. Ch. 5. U.K.

BEER RETAILERS' AND SPIRIT GROCERS' RETAIL LICENCES (IRELAND); to amend the Laws relating to Beer Retailers' and Spirit Grocers' Licences in Ireland. Ch. 30. I.

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